

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13805 of 2025

Arising Out of PS. Case No.-121 Year-2019 Thana- NADI P.S. District- Patna

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Rakesh Kumar Son of Sahdev Kumar Resident of Village - Budhra,
Athmalgola, Bakhtiyarpur, P.S. - Bakhtiyarpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Chandra, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 30(a) and 37(c) of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation in the FIR, only 375 ml of foreign liquor was recovered from a motorcycle bearing registration no.BR-01BW-2266.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that nothing has been recovered from the conscious possession of the petitioner and the seized foreign liquor was recovered from the possession of co-accused, namely, Akhilesh Kumar and petitioner has got clean antecedent as stated in para-3 of the petition.

5. Learned APP for the State opposes the prayer for



anticipatory bail of the petitioner.

6. On perusal of the first information report and impugned order dated 31.01.2025, it appears that the seized liquor has been recovered from the possession of the co-accused, namely, Akhilesh Kumar and not from the present petition and the petitioner was only pillion rider and co-accused Akhilesh Kumar is the registered owner of the said motorcycle and petitioner has got clean antecedent as stated in para-3 of the petition, so I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Act, Patna in connection with Nadi P.S. Case No. 121 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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