

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18017 of 2025

Arising Out of PS. Case No.-899 Year-2024 Thana- AURANGABAD TOWN District-
Aurangabad

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Rakesh Kumar Son of Ramkeshwar Pandey Resident of Village - Pritampur,
P.S.- Barun, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar Singh, Advocate
For the State	:	Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-04-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks anticipatory bail, apprehending his arrest, in connection with Aurangabad Town P.S. Case No. 899 of 2024 dated 31.12.2024 registered for the offences punishable under Sections 30(a)(b)(c) of the Bihar Prohibition and Excise Act, 2018.

3. As per allegation, two bottles of illicit liquor have been recovered from co-accused Niraj Kumar Singh and as per his confessional statement made before the police, the petitioner is his associate.

4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits there is no allegation of any recovery from the petitioner. The name of the petitioner has transpired only in the confessional statement of co-accused made before the police which has no evidentiary value.

5. On the basis of the material available, no case is made out against the Petitioner under Excise Act and the Petitioner is entitled to get anticipatory bail.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. It has further been stated paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

8. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional District & Sessions Judge-cum-



Special Judge, Excise Court No. 1, Aurangabad, Bihar in connection with Aurangabad Town P.S. Case No. 899 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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