

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29733 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- MASAUDHI District- Patna

Rakesh Kumar S/o- Arvind Yadav Resident of Village- Badroi PS- Lahsuna
Masaurhi, Dist- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Barun Prasad

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Masaurhi P.S. Case No. 48 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, 250 litre illicit country made liquor was recovered from a ditch which was situated near the bank of Morhar river. Local chowkidar disclosed the name of petitioner who is said to have fled away from the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case in which he is



on bail, as orally submitted by learned counsel for the petitioner. He further submits that place of recovery is an open place which is accessible to all and petitioner cannot be held responsible for the alleged recovery. Petitioner was not found on the place of occurrence. Petitioner has no concern with the alleged recovery. No incriminating article has been recovered from possession of the petitioner. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-III, Patna in connection with Masaurhi P.S. Case No. 48 of 2025, subject to the conditions as laid down under Section



482(2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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