

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49316 of 2025

Arising Out of PS. Case No.-132 Year-2022 Thana- TILAUTHU District- Rohtas

Rakesh Kumar S/o- Late Mahendra Prasad Gupta @ Mahendra Prasad
Resident of Mohalla- BauliaRoad Sasaram PS-Sasaram District- Rahtas at
Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rameshwar Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 06-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection with
Tilauthu P.S. Case No. 132 of 2022 instituted for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution is that from two bikes
altogether 5 liters of country made liquor was recovered.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner is innocent and has
committed no offence. He has falsely been implicated in this
case. Learned counsel for the petitioner has submitted that he was
not apprehended. He has been named in this case because he is
the owner of the bike. It is clear from the FIR itself that the bike



was not being driven by this petitioner. He has transferred the said bike but R.C. could not be transferred. Recovery of liquor has not been made from the physical possession of this petitioner. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent.

5. In contra, learned APP appearing for the State has vehemently opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Tilauthu P.S. Case No. 132 of 2022, he will be enlarged on 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 Exclusive Special Judge Excise-II, Rohtas, Sasaram subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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