

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71423 of 2024

Arising Out of PS. Case No.-866 Year-2023 Thana- FATEHPUR District- Gaya

1. Rakesh Kumar S/O Naresh Sao @ Naresh Saw Resident of Village- Tarwan, P.S. Wazirganj, District- Gaya
2. Raushan Kumar S/o Naresh Sao @ Naresh Saw Resident of Village- Tarwan, P.S. Wazirganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-01-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, two co-accused persons were apprehended with a motorcycle and upon search of its dickey, 750 ml foreign liquor along with a mobile phone was recovered. Apprehended accused told that the said seized motorcycle belongs to petitioner no.1 and mobile belongs to petitioner no.2.

4. It is submitted by learned counsel appearing on behalf of these petitioners that petitioner No. 1 is owner of motorcycle and petitioner No. 2 is owner of the alleged mobile



in question and have falsely been implicated in this case. Nothing has been recovered from conscious possession of the petitioners. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the quantity of the liquor, clean antecedent of the petitioners and other circumstances of the case, the prayer for grant of anticipatory bail to the petitioners is allowed. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.4, Gaya, in connection with Fatehpur P.S. Case No. 866 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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