

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87912 of 2024

Arising Out of PS. Case No.-253 Year-2023 Thana- Excise P.S. District- Vaishali

Rakesh Kumar Son of Late Bam Bahadur Rai Resident of Village - Diwantok,
Ward No.8, P.S. - Gangabridge, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-01-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Vaishali Excise P.S. Case No. 253 of 2023 dated 04.04.2023 registered under Section 30(a), 32(1) & (3), 41(1)(2) of the Bihar Prohibition and Excise Act 2018.

3. The prosecution case as per the first information report is that the Police on secret information that in a Bolero car illicit liquor is being transported, intercepted the car and apprehended the driver. Upon search, total 300 liters of country made illicit liquor has been recovered from the said car. The apprehended person disclosed the name of the petitioner and others, who handed over the said car to the driver.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of



disclosure of his name by the driver of the vehicle from where illicit liquor has been recovered. He next submits that illicit liquor has not been recovered from the conscious possession of the petitioner. Referring to paragraph no. 8 of the bail application, learned counsel submits that the Bolero car from where illicit liquor has been recovered does not belong to the petitioner. The petitioner has no criminal antecedent. Similarly situated co-accused Vakil Rai & Sujit Rai have been granted anticipatory bail by this Court in Cr. Misc. No. 77962 of 2024 by this Court.

5. Regard being had to the submission made by the parties, taking into consideration the fact that petitioner is not the registered owner of the Bolero car, illicit liquor has not been recovered from the conscious possession of the petitioner, the petitioner is having no criminal antecedent and similarly situated co-accused persons have been granted anticipatory bail, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today 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 Excise Court No. II-cum-Additional
Sessions Judge, Vaishali at Hajipur in connection with Vaishali
Excise P.S. Case No. 253 of 2023 subject to the condition as laid
down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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