

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87943 of 2024

Arising Out of PS. Case No.-330 Year-2024 Thana- PATEPUR District- Vaishali

Rakesh Kumar @ Rakesh Sah Son of Ram Prasad Sah R/O Vill.- Murgia
Chawk Khesrahi (Raghunathpur), P.S.- Patepur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 31-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Patepur P.S. Case No. 330 of 2024 registered for the
offences punishable under Sections 30(a), 32(2) & 41(1) of the
Bihar Prohibition and Excise Act.

3. The prosecution case in short is that total 3149.64
litres of liquor was recovered from three pick-up van and one
truck.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
No incriminating article has been recovered from the conscious



possession of the petitioner. Petitioner is neither the owner nor the driver of either the truck or the pick-up van. Petitioner bears two criminal antecedents. There is no compliance of Section 103 of the BNSS, 2023. Other co-accused have been granted bail by this Court *vide* order dated 16-01-2025, passed in Cr. Misc. No. 84303 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the rival submissions made by the learned counsel for the parties, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Patepur P.S. Case No. 330 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS, 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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