

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.31258 of 2014**

Arising Out of PS.Case No. -119 Year- 2014 Thana -CHAPRA CITY District- SARAN

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Saheb Kumar @ Sanjay Kumar Ravi, Son of Dharamnath Prasad, resident  
of Mohalla Mohan Nagar, P.O. Chapra, P.S. Nagar, District Saran  
..... Petitioner

Versus

The State of Bihar  
..... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Satyabir Bharti, Adv.

For the Opposite Party/s : Mr. Rina Sinha, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
**ORAL ORDER**

2      29-01-2015                      Heard learned counsel for the petitioner and learned  
counsel representing the State.

The petitioner, apprehending his arrest in connection  
with Chapra Town P.S. Case No. 119 of 2014 registered for the  
offences punishable under Sections 419, 420 and 409 of the Indian  
Penal Code and under Section 47(A) of the Bihar Excise Act,  
seeks the privilege of pre-arrest bail.

Allegedly, on the dry day, two persons were caught  
selling liquor and the shop of the petitioner, Mamta Beer Bar was  
sealed but on 14.04.2014 after breaking the seal again the liquor  
was being sold and it is alleged that after disobeying the condition  
of the licence, the petitioner has opened the shop and used to allow  
drink of foreign liquor.

Submission is that on the dry day, two persons were  
caught selling the wine and in that case the petitioner is not named  
rather the accused persons are Ramesh Kumar Mishra, Vicky

Kumar and Arun Kumar Gupta but again this case has been lodged with false and frivolous allegation. The First Information Report of Town P.S. Case No. 117 of 2014 has been annexed to show that on the dry day the shop of the petitioner was not found open but with that allegation, it is alleged that shop of the petitioner was sealed which indicates the highhandedness of the official. The petitioner has filed petition before the Excise Superintendent and as such, the petitioner being license holder deserves sympathetic consideration, to which the learned A.P.P. fairly submits that on the dry day, the petitioner was not found selling the liquor rather the three accused are different.

In the facts and circumstances as stated above, the petitioner, in case of his arrest or surrender within two months from the date of receipt/production of the copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran, Chapra in connection with Chapra Town P.S. Case No. 119 of 2014, subject to the conditions as laid down under Section 438(2) Cr. P.C.

**(Jitendra Mohan Sharma, J.)**

Vats/-

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