

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50659 of 2017

Arising Out of PS. Case No.-164 Year-2017 Thana- PIRO District- Bhojpur

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Jitendra Sharma, son of Late Sidhnath Sharma, resident of village Lahari
Tiwari Dih, P.S. - Piro, District – Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Anil Kumar

For the Opposite Party/s : Sri Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 18-10-2017 Heard Sri Anil Kumar, learned counsel for the petitioner
and Sri Narendra Kumar Singh, learned Additional Public
Prosecutor.

The sole petitioner, apprehending his arrest in Piro P.S.
Case No. 164 of 2017 corresponding to Excise Case No. 2441
of 2017 registered for the offence under section 30(a), 37(a),
37(b) and 56 (e) of the Bihar Prohibition and Excise Act , 2016
has prayed for grant of bail in the event of his arrest or
surrender.

At the very outset, learned counsel for the petitioner has
drawn my attention to the statement made in paragraph no. 3 of
the petition to show that petitioner is having clean antecedent.
He further submits that petitioner is virtually residing in Raipur
(Chhatisgarh) and he has let out his house to number of tenants.



However, in the present case some of the tenants were apprehended by Police in a drunken state. Thereafter on their confession search was conducted in the premises of the petitioner, which was on rent and thereafter, recovery of about 120 liters of Indian make foreign liquor was shown. He submits that as per F.I.R. itself the accused who were arrested had disclosed that they had taken the house of the petitioner on rent. According to learned counsel for the petitioner there is no material to connect the petitioner in the present case save and except the fact that petitioner is title owner of the house in question.

The prayer for anticipatory bail was vehemently opposed by Sri Narendra Kumar Singh, learned Additional Public Prosecutor. However, considering the facts and circumstances particularly the fact that premises in question was admittedly taken on rent by the accused persons as well as clean antecedent of the petitioner, there is no reason to refuse the prayer for grant of anticipatory bail to the petitioner.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner Jitendra Sharma 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 Additional District Judge – IV, Ara, District – Bhojpur / concerned court in connection with Piro P.S. Case No. 164 of 2017 corresponding to Excise Case No. 2441 of 2017 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure , 1973 .

(Rakesh Kumar, J)

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