

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10298 of 2017

Arising Out of PS.Case No. -287 Year- 2016 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Arun Kumar Son of Ram Chandra Prasad Resident of Village- Sugauli
Bazar, Police Station- Sugauli, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad

For the Opposite Party/s : Mr. Sri Parmanand Kumar

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

2 15-03-2017 Heard learned counsel for the petitioner, and the

learned counsel representing the State.

The petitioner apprehends his arrest in connection
with Sugauli P.S Case No. 287 of 2016 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

Allegedly, two co-accused persons namely, Ramayan
Sah and Dhanesh Sah were apprehended with motorcycle and 35
bottles of Nepali Safi country made liquor each containing 300 ml.
and they have taken the name of the petitioner that they were
going to give the liquor in the shop of the petitioner and others.

Submission is of false implication and that due to



enmity both the accused have named the petitioner. The petitioner has got no concern with those two co-accused persons as well as the wine recovered from their possession. The petitioner has got clean antecedent and without any fault, he is apprehending his arrest.

Learned A.P.P. submits that the name of the petitioner has come in the confessional statement of co-accused and in the new Act under Section 76 pre-arrest bail is not maintainable.

In the facts and circumstances stated above considering that against the petitioner there is no presumption of possession and, as such, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of the order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Sugauli P.S. Case No. 287 of 2016 subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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