

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37937 of 2018

Arising Out of PS. Case No.-98 Year-2018 Thana- GORAU District- Vaishali

Munna Sah @ Aashish Kumar, S/o Manoj Sah, R/o Vill.- Cheharakala, P.S.-
Goraul (Kathara O.P.) District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.

For the Opposite Party/s : Mr. None

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 04-07-2018 Heard Sri Devendra Kumar, learned counsel for the
petitioner. None appeared on behalf of the State.

The sole petitioner, apprehending his arrest in Goraul P.S. Case No. 98 of 2018 registered for offence under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & 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, by way of referring to the statement made in paragraph -3 of the petition, submits that petitioner is having clean antecedent. Further, learned counsel for the petitioner has drawn my attention to the F.I.R. and has argued that the petitioner, though, was not having criminal antecedent, the informant, who is police officer, has recorded, as if, he got information with the



name of the petitioner that he was coming by a motorcycle carrying liquor. Thereafter, the police tried to intercept him and petitioner leaving the motorcycle, fled away. He further submits that the police has claimed that in the light of vehicle, he identified the petitioner. It has been reiterated that since the petitioner was not having any criminal antecedent, there was no reason for the informant, who is a police officer, to know the petitioner with his name. He submits that only on suspicion, petitioner has been made accused in the present case. By way of referring to the statement made in paragraph -6 of the petition, it has been argued that the petitioner was having no connection either with the motorcycle or with the seized articles. In the case, about 9 bottles of Indian Make Foreign Liquor was shown to be recovered from a motorcycle.

Be that as it may, considering the nature of accusation as well as fact that petitioner is having clean antecedent, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner, namely, Munna Sah @ Aashish Kumar be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-cum-Special Judge, Viashali at Hajipur in connection with Goraul



P.S. Case No. 98 of 2018, subject to conditions as laid down in
Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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