

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23517 of 2018

Arising Out of PS. Case No.-62 Year-2018 Thana- CHAPRA TOWN District- Saran

Byash Rai , son of Late Bhulan Rai,
Resident of Village- Dahiyawan Dih, Nichali Road, P.S.- Chapra (Town),
District- Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Sri Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 23-04-2018 Heard Sri Rakesh Kumar, learned counsel for the
petitioner and learned Additional Public Prosecutor.

The sole petitioner, apprehending his arrest in connection with Chapra (Town) P.S. Case No. 62 of 2018, registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail in the event of his arrest or surrender.

By way of referring to the F.I.R., learned counsel for the petitioner submits that surprisingly the Sub Inspector of Police Md. Ejaj Khan, to the reasons best known to him, got a secret information as if petitioner was indulged in selling of liquor and he had kept liquor in his campus, and thereafter, he



suo motu went there and as if he found a jerkin containing 15 liters of country made liquor and thereafter, on 2.2.2018 itself a formal F.I.R was drawn in the case arraying the petitioner as one of the accused. Despite the fact that F.I.R was drawn on 2.2.2018, to the reasons best known to the Sub Inspector of Police, F.I.R. was received and seen by the learned court below on 6.2.2018. It has also been argued that residential house of the petitioner and the campus from where recovery was shown is at a distance of more than ½ kilometer and the campus of -course is having boundary wall and gate from outside, but from backside it is open. In sum and substance, it has been argued that purely on false accusation a case was instituted with some ulterior motive. Learned counsel for the petitioner has also drawn my attention to the statement made in paragraph no. 3 of the petition to show that petitioner is having clean antecedent.

In view of the fact and circumstances as well as clean antecedent of the petitioner, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner Byash Rai 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 & Sessions Judge VIth, Excise, Saran at Chapra /



concerned court in connection with Chapra (Town) P.S. Case
No. 62 of 2018 subject to the conditions as contemplated under
Section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

praful/-

U		T	
---	--	---	--

