

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37217 of 2018

Arising Out of PS. Case No.-169 Year-2016 Thana- AIRPORT District- Patna

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Nirmal Thapa, S/o Hari Bahadur Thapa, R/o Jharkhand Armed Police-1,
Doranda, P.S.- Doranda, Dist.- Ranchi, A/P. Constable in B.M.P.-I, Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Gauri Shankar Thakur

For the Opposite Party/s : Sri Mithilesh Kumar Khare, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 01-08-2018 Heard Sri Gauri Shankar Thakur, learned counsel for

the petitioner and Sri Mithilesh Kumar Khare, learned

Additional Public Prosecutor.

The sole petitioner, apprehending his arrest in
connection with Hawaii Adda (Patna) P.S. Case No. 169 of
2016, G.R. No. 6815 of 2016, registered for the offence under
Section 37(a)(b)(c), 138(i)(ii) of the Bihar Prohibition and
Excise Act, 2016 , has prayed for grant of bail in the event of
his arrest or surrender.

Learned counsel for the petitioner submits that
petitioner has been victimized and falsely been made accused
in the present case.



Earlier, on 29.06.2018 after noticing the fact that petitioner even though was shown to be caught by the official concerned in drunken condition carrying a bottle and he was allowed to go, and thereafter, the present F.I.R. was lodged, I directed the Senior Superintendent of Police, Patna to examine the matter personally and file appropriate show -cause. In compliance of the earlier order, Senior Superintendent of Police, Patna has filed show -cause on 26th July, 2018.

Sri Mithilesh Kumar Khare, learned Additional Public Prosecutor submits that it was not any fault on the part of the Hawai Adda (Patna) Police Station since the petitioner was shown to be apprehended by a B.M.P. personnel in drunken condition and he was released by the B.M.P. personnel, and subsequently, a complaint was filed, and thereafter, the present F.I.R. was lodged. On perusal of the show- cause of the Senior Superintendent of Police, Patna it is evident that in this case after twelve days from the alleged occurrence F.I.R. was lodged, that too, for commission of offence under the Bihar Prohibition and Excise Act, 2016.

Considering the fact that F.I.R. itself was lodged after more than twelve days from the alleged occurrence and in view of the nature of accusation and clean antecedent of the



petitioner , which has been mentioned in paragraph no. 3 of the petition, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner - Nirmal Thapa 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 Spl. Judge Excise , Patna / concerned court in connection with Hawai Adda (Patna) P.S. Case No. 169 of 2016, G.R. No. 6815 of 2016 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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