

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42926 of 2018

Arising Out of PS. Case No.-37 Year-2018 Thana- KHUTAUNA District- Madhubani

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1. Abdhesh Kumar Sah, S/o Baidyanath Sah,
 2. Mahesh Sah @ Mahesh Kumar Sah S/o Baidyanath Sah, Both R/o Vill.- Khutauna, P.S.- Khutauna, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ratanakar Jha, Adv.

For the Opposite Party : Mr. Dr. Mrityunjaya Kr.Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 04-09-2018 Heard learned counsel for petitioners and learned
counsel for the State.

Petitioners are apprehending their arrest in connection with Khutauna P.S. Case No. 37 of 2018 (G.R. No. 487 of 18) for the offences registered under Sections 30(a) and 38 (1) (2) of the Bihar Prohibition and Excise Act, 2016.

Informant who is a police officer has stated in his written complaint that on 19.04.2018 at about 10:45 P.M. when he was on patrolling duty along with other police personnel on a secret information he proceeded towards Sukhai Kamat's house and saw motorcycle coming from both side then he tried to stop them, on seeing that Petitioners tried to flee away but with the help of local people Sanjay Kumar Sah and Ganesh Sah



were arrested and on the basis of confessional statement of Sanjay Kumar Sah petitioner No.1 Abdhesh Sah was arrested and seizure list was prepared. It has been further alleged that informant raided the house of Petitioner No. 2 Mahesh Kumar Sah and huge quantity of Nepali wine was recovered.

It has been submitted on behalf of the petitioners that they are innocent and have committed no offence, they have been falsely implicated in this case due to high handedness of Police in collusion with cousin brother who is in enimical term with the petitioners. They have no criminal antecedent. They are not doing any illegal business of selling and purchasing of illegal liquor.

In the facts and circumstances as stated above, I am not inclined to grant privilege of pre-arrest bail to **petitioner No. 2 Mahesh Sah and accordingly his prayer stands rejected.**

However, in case the petitioner No.2 Mahesh Sah surrenders and seeks regular bail then his prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

So far as, **petitioner No. 1 Abdhesh Kumar Sah** is concern, in the present case, petitioner No. 1, above named, in



the event of his arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, be **enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only)** with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-2nd-cum-Special Judge, Madhubani in connection with Khutauna P.S. Case No. 37 of 2018 (G.R. No. 487 of 2018), subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(S. Kumar, J)

Rajiv/manoj

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