

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11242 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- MOTIPUR District- Muzaffarpur

Amerika Prasad, ASI, age 58 Years (M), Son of Late Babu Ram Prasad,
Permanent Resident of - Morla Bishaha, P.S.- Ghoshi, District-Gaya. At
present resident of Motipur, Police Station, P.S.- Motipur, Distt- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Alok Kumar Alok, Advocate.
For the Opposite Party : Mrs.Pushpa Sinha,A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-02-2019 A supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on the record.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 120(B)/34 of the IPC,
30(a), 38(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that Manoj Kumar
Singh, Police Inspector Liquor Prohibition Unit, on the basis of
information regarding the involvement of the Officer-in-Charge
of Motipur Police Station who has kept illegal wine in his
residence for sale and on this information, a raiding team was
organized at Patna and proceeded from Patna and reached at



Motipur Police Station premised and tried to meet the Officer-in-charge but failed. Then they entered into the residence of Officer-in-charge and seized huge amount of wine and cash also one Mobile Set, One A.T.M. Card and Pen Drive. Raid was also made at the residence of the petitioner and one Imperial Blue Whiskey of 375 ML was recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the prosecution case, S.H.O. of the concerned police station, had been made accused in this case as there was recovery of liquor from his possession which was excess to seized amount. In connection with the same, a search was made on the house of the petitioner and from the house of the petitioner, 375 ML wine is said to have been recovered as per the seizure list. The petitioner denies the said premises belongs to him. There is no documentary evidence to show that the premises in question was taken on rent by the petitioner. The name of the petitioner has come in the present case on the basis of alleged recovery made from the house of the petitioner. Except for this, there is no other substantive evidence to suggest



the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur, in connection with Motipur P.S. Case No. 25/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

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

