

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28562 of 2019**

Arising Out of PS. Case No.-568 Year-2018 Thana- SARAIYA District- Muzaffarpur

Dheeraj Kumar @ Niraj Kumar S/o Late Jay Nath Chaudhary, R/O Village-
Gorigama, P.S. Saraiya, District Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma

For the Opposite Party/s : Mr.Pushpa Sinha

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 07-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Saraiya P.S. Case No. 568 of 2018, registered under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 38, 41 and 37(a) of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the first information report, that Officer-Incharge of Saraiya Police while on patrolling duty saw two persons were fleeing away and upon chase they were arrested and were interrogated by the police. They disclosed their name Sopendra Sharma and Pramod Paswan, upon search two bottles of illicit foreign liquor of 180 ml. has been recovered from the pocket of Sopendra Sharma



and Pramod Paswan was found in drunken condition. It is alleged that Sopendra Sharma has disclosed the name of the petitioner that illicit liquor was purchased from the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent having no criminal antecedent. He further submits that he has falsely been implicated in this case with oblique motive and his name was disclosed by arrested co-accused person having no cogent material.

Learned counsel further submits that no recovery of illicit liquor has been made from the conscious possession or the premises of the petitioner, as such, upon perusal of first information report and seizure list no prima facie case is made out against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no liquor has been recovered from the possession of the petitioner and that the petitioner's name has been disclosed by arrested co-accused, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above named, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the



satisfaction of learned Spl. Judge Excise, Muzaffarpur, in connection with Saraiya P.S. Case No. 568 of 2018; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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