

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.79833 of 2018

Arising Out of PS. Case No.-156 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

Tilak Baitha S/o Deonandan Baitha R/v-Hasanpurwa,P.S-Siwan
Muffasil,Distt.-Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-01-2019 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Siwan Muffasil P.S. Case No. 156 of 2018 dated 30.03.2018 instituted for the offences under Sections 272 and 273 of the Indian Penal Code under Sections 30(a), 38(i) and 41(i) of the Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner has submitted that as per the FIR and the seizure list, approximately 28.8 litres of liquor is said to have been recovered from a thatched house.

Learned counsel for the petitioner has submitted that from the bare reading of the FIR itself, it would appear that the participation of the petitioner has deliberately been shown in the FIR by inserting his name at two places. There could be one inadvertent mistake in missing out on the name of the petitioner as participating



in the sale and purchase of liquor but at two different places makes the allegation suspicious and doubtful. It has further been submitted that though the thatched house belongs to the petitioner but its location is by the side of a public school which was only meant for storage of cattle fodder and was not a habitable hut. Thus, from the reading of the FIR as also the seizure list, it has been argued, it would appear that the aforesaid hut was being used by two other accused persons namely Wakil Ram and Uma Ram for storing and selling liquor.

Regard being to the aforesaid facts as also taking into account the clean antecedents of the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-2nd-cum-Special Judge, Excise, Siwan in connection with Siwan Muffasil P.S. Case No. 156 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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