

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36540 of 2019

Arising Out of PS. Case No.-153 Year-2019 Thana- TURKAULIYA District- East
Champaran

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RAM BHAROS KUMAR @ RAM BHAROS SAH Son of Shambhu Sah R/o
Banjariya Sahu Tola, P.O. - Chailahan, P.S.- Banjariya, District - East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr.Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 17-08-2019 The petitioner apprehends his arrest in connection with

Turkaulia (Banjariya) P.S.Case No. 153 of 2019 registered under

Sections 272 and 273 of the Indian Penal Code and 30(a) and

38(2) of the Bihar Prohibition and Excise Act (hereinafter referred

to as the 'Act').

Allegation against the petitioner is that lodge of Pramod Sah
was raided by the police and recovered a total quantity of 153
litres Indian Made Foreign Liquor. It has further been alleged that
petitioner being the house owner, in which lodge is running, is also
involved in illegal trade of liquor.

Learned counsel for the petitioner submits that petitioner
has falsely been implicated in this case. He submits that petitioner
is the house owner but the lodge was not being run by him.
Learned counsel further submits that from perusal of FIR, it is



evident that lodge was being run by one Pramod Sah. He submits that petitioner has got no criminal antecedent. Accordingly, submission is that from perusal of FIR and the 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 petitioner is owner of the premises in which lodged was being run and occupier of the house was the lodge owner Pramod Sah and illicit liquor has been recovered from the custody of Pramod Sah and justification given by the petitioner is reasonable, as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge -cum-Special Judge, Excise, East Champaran at Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 153 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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