

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36621 of 2019

Arising Out of PS. Case No.-187 Year-2019 Thana- SITAMARHI District- Sitamarhi

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MOHAN SAH S/o Bhagwan Sah @ Ram Ashish Sah R/o Village- Baswaria,
P.S.- Sitamarhi, District- Sitamarhi Petitioner

Versus

THE STATE OF BIHAR Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-06-2019 Heard learned counsel for the petitioner. No one appears on behalf of the State to oppose this application.

The petitioner in the present case is seeking anticipatory bail in connection with Sitamarhi P.S. Case No. 187 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30 (A) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that on the basis of some undisclosed source of information raid was conducted by the Police near the Old Bus Stand where it is alleged that in a *Gumti* some illicit liquors were found. Allegation is that this petitioner fled away on seeing the Police party and then the seizure was made in presence of the independent witnesses.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated at the instance of the co-



villagers because of the village rivalry and politics. In paragraph 8 it is stated that the petitioner has no concern with the said *Gumti* and it is further stated in paragraph 12 that he is not the owner of the *Gumti* in which the wine has been recovered.

Considering the facts and circumstances of the case wherein there is a plea that the petitioner is not the owner of the *Gumti* and no material has been brought on behalf of the prosecution to prima facie demonstrate that the petitioner is the owner of the *Gumti*, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Sitamarhi P.S. Case No. 187 of 2019 be released on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge Excise Act, Sitamarhi, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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