

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42854 of 2019

Arising Out of PS. Case No.-221 Year-2018 Thana- GOVT. OFFICIAL COMPLAINT CASE
District- Sheikhpura

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SATRUGHAN RAM @ SHATRUDHAN RAM S/o Late Brahamdeo Ram
Resident of Village- Murarpur, Police Station- Korma and District-
Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Excise Case No. 221 of 2018, disclosing offence under Section 30 (a) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

The allegation, as per the prosecution report, is that when the Excise Officials, upon receiving the information that illicit liquor was being prepared at the bank of River Tanti, reached at the place of occurrence, they saw three persons fleeing away from the place of occurrence, but one of them, Kusukan Ram, was arrested and 20 litres of illicit liquor, along with 120 kgs of jawa, gur and apparatus were recovered from



the place of occurrence. It has further been stated that the arrested accused person has disclosed the name of the petitioner and one another, who had succeeded in fleeing away.

Learned Counsel for the petitioner submits that from perusal of the prosecution report as well as the seizure list, it is evident that the illicit liquor was recovered from the bank of River Tanti and neither from the conscious possession nor the premises of the petitioner. He further submits that the petitioner has no concern with the recovered illicit liquor. He further submits that the previous cases lodged against him is of the year 2011 and 2014, in which the entire villagers had been made accused by the police and the petitioner was only named as one of the accused persons.

After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor was recovered neither from the conscious possession nor the premises of the petitioner and from perusal of the prosecution report and the seizure list, no *prima facie* case is made out against the petitioner, under the provisions of the Act, this application is allowed.

Let the petitioner, Satrugan Ram @ Shatrudhan Ram, in the event of his arrest or surrender before the Court



below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Sheikhpura, in connection with Excise Case No. 221 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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