

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45120 of 2019

Arising Out of PS. Case No.-151 Year-2019 Thana- CHANPATIA District- West Champaran

SIKANDAR DAS S/o Dorika Das@ Dawarika Das, Resident of Village- Lala
Tola Garbhuwa, P.S.- Sirisiya (O.P.), Chanpatiya, District- West Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-07-2019 The petitioner apprehends his arrest in connection with Chanpatiya Sirisiya P.S.Case No. 151 of 2019 registered under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act.

Allegation against the petitioner, as per FIR, is that the police party, while was on patrolling duty, got secret information that one person was selling illicit liquor from the under constructed shop of this petitioner, situated near Bettiah-Lauria Main Road, arrived there and the police arrested that person, who disclosed his name Deepak Kumar Chaudhary and recovered 05 litres illicit country made liquor and 05 litres Toddy bear (Tadi).

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case only due to the fact that illicit liquor has been recovered from the under constructed shop of the petitioner situated near the main road. He further submits that petitioner does not reside or run shop from the



under constructed shop and the same is in abandoned condition from where one person was found selling illicit liquor and toddy bear.

After having heard learned counsel for the parties and taking into consideration the fact that recovery of illicit liquor or toddy bear has been made from an abandoned under constructed shop of the petitioner and further, the same has not been recovered from the conscious possession of the petitioner and justification given by the petitioner appears to be 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 Special Judge, Excise, Bettiah, West Champaran in connection with Chanpatiya Sirisiya P.S. Case No. 151 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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