

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45609 of 2019

Arising Out of PS. Case No.-568 Year-2019 Thana- BIHTA District- Patna

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BHOLA @ AVINASH SHARMA S/o Jagarnath Singh Sharma Resident of
Adlipur, P.S.- Neura O.P. (Bihta), District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Bihta Police Station Case No. 568 of 2019, disclosing
offences under Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

The allegation against the petitioner, as per the First
Information Report, is that the Police, upon secret information,
intercepted a car, bearing registration no. WB 20G-9888, and
recovered 36 litres of illicit liquor and arrested one person,
namely, Md. Sahzad Alam, who disclosed the name of this
petitioner as financier.

Learned Counsel for the petitioner submits that the
petitioner is innocent having no criminal antecedent and his



name has been dragged by the co-accused merely on the basis that this petitioner used to finance one Chandan Sah for purchase of illicit liquor. He further submits that the vehicle, from which the illicit liquor was recovered, does not belong to the petitioner and no recovery of illicit liquor has been made from the vehicle or conscious possession of the petitioner.

After having heard learned Counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered either from the vehicle or premises of the petitioner, as, such, on perusal of the First Information Report and seizure list, in my opinion, no *prima facie* case is made out against the petitioner. Accordingly, this application is allowed.

Let the petitioner, Bhola @ Avinash Sharma, 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 Special Judge, Excise, Patna, in connection with Bihta Police Station Case No. 568 of 2019 (Special Case No. 5346 of 2019), subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as



and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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