

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77505 of 2019

Arising Out of PS. Case No.-61 Year-2019 Thana- RAJNAGAR District- Madhubani

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PRADEEP MALLIK Son of Jholi Malik Resident of Village- Kasiyauna, P.S.-
Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-12-2019 Heard the learned counsel for the petitioner
and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Rajnagar P.S. Case No. 61 of 2019 dated 27.02.2019 instituted for the offences under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

A bag containing liquor was handed over to the police with the information that the petitioner and others were trying to distribute the liquor bottles amongst themselves but on the arrival of villagers, they ran away. While narrating the aforesaid version, the name of the petitioner was taken by the villagers. Apart from the petitioner, some other persons have also been made accused. The nature of accusation in the FIR clearly reflects that the petitioner has been roped in this case only on the basis of suspicion and that also on the



stray statement of the villagers who have stated that the bag containing the liquor belonged to the petitioner and others.

The other information which appears to have been provided to the police that several cases are pending against the petitioner is incorrect as the petitioner is stated to be a person of clean antecedent.

Thus, none of the offences under the Excise Act for the petitioner has been charged can be said to have been made out.

For the aforestated facts, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 2nd Cum Special Judge, Excise Act, Madhubani in connection with Rajnagar P.S. Case No. 61 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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