

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10091 of 2020

Arising Out of PS. Case No.-320 Year-2017 Thana- BETTIAH CITY District- West
Champaran

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Rahul Kumar Son of Sri Rameshwar Ram Resident of Mohalla - Ambedkar
Nagar Colony, Banswariya, P.S.- Bettiah Town, District- West Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 06-10-2020 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Bettiah Town P.S. Case no. 320 of 2017 registered under sections 272 and 273 of the Indian Penal Code and sections 30, 33, 34, 36 and 38(1) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, on a raid being conducted, it is stated that different quantities of liquor was recovered from different places, details of which are given in the FIR. It is further stated that two bottles of liquor as also five litres of country liquor was recovered from the house of the petitioner.

It is submitted by learned counsel for the petitioner that no recovery as alleged has taken place and it is for this reason that the petitioner was not named in the FIR. It is further submitted that the petitioner has been falsely implicated in the case because of a case of similar nature having been lodged



against him wherein also he has been enlarged on anticipatory bail. It is submitted that the name of the petitioner transpired in course of investigation.

The application for bail is opposed by learned counsel for the State who submits that incriminating article has been recovered from the house of the petitioner and the petitioner also has a case from earlier occasion pending against him.

Having heard learned counsel for the parties and considering the submissions made on behalf of the petitioner together with the fact that the petitioner was not arrested at the spot, no incriminating article was recovered from his possession and he was not named in the FIR instead only the house number was mentioned, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Bettiah Town P.S Case no. 320 of 2017 he will be enlarged on bail on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, West Champaran at Bettiah subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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