

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11926 of 2020

Arising Out of PS. Case No.-357 Year-2019 Thana- SHEKHPURA District- Sheikhpura

Choudhary Ram S/o Indardev Ram @ Indradev Dhabhi Resident of Village-
Murarpur, Post- Katari, P.S.- Korma and Distt- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Kumar Singh, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 11-06-2020 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 Excise Case no. 259 of 2019 arising out of Sheikhpura P. S. Case no. 357 of 2019 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, two persons were coming on a motorcycle. On being given the signal to stop the motorcycle by the police, it is stated that they threw a plastic gallon that they were carrying and attempted to escape but were caught and disclosed their name as Dular Chand Kumar and Kundan Ram. They are stated to have confessed that they manufacture and sell liquor.

It is submitted by learned counsel for the petitioner that admittedly he was neither arrested at the spot, he is not named in the FIR nor has any incriminating material been recovered from his possession. He has been falsely implicated in the case only for the reason that one of the accused Dular Chand Kumar



happens to be his full brother and the petitioner happens to be the registered owner of the motorcycle that they were travelling on.

The application for bail is opposed by learned Additional PP for the State who submits that the petitioner has a case under the Excise Act pending against him.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from him, the Court is inclined to enlarge the petitioner on 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 Excise Case no. 259 of 2019 arising out of Sheikhpura P.S. Case no. 357 of 2019 will be enlarged 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 District and Sessions Judge, Sheikhpura subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

Prakash/-

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