

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23004 of 2020

Arising Out of PS. Case No.-250 Year-2018 Thana- BOCHAHAN District- Muzaffarpur

SANTOSH SHARMA @ SANTOSH THAKUR S/o Ramsevak Thakur
Resident of Village- Barhetta, P.S.- Bochaha, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 03-12-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

This application for grant of anticipatory bail arises out of Bochaha Police Station Case No. 250 of 2018, disclosing offences under Sections 272/273 of the Indian Penal Code and Sections 37 (D)/37(G) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The prosecution case, as per the First Information Report, is that the police, on the basis of the secret information, raided the house of co-accused Vijay Rai and upon seeing the police, the accused persons started fleeing away. However, the police apprehended one person, Vijay Rai, while two persons, including the petitioner succeeded in fleeing away. The arrested



accused person disclosed the name of the petitioner, who managed to escape. The police recovered empty bottles of Royal Stag whiskey (190 pieces of 375 ml and 180 pieces of 180 ml), 300 gm of some chemical kept in a plastic bottle and 300 gm of red-coloured material kept in a plastic bottle, having smell of liquor.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and no incriminating material has been recovered from the conscious possession or the premises belonging to the petitioner; rather, the empty bottles of liquor and other materials have been recovered from the house of co-accused Viajy Rai and on the basis of disclosure made by him, the name of the petitioner has been dragged in this case. He, thus, submits that from perusal of the First Information Report, no prima facie case is made out against the petitioner under the provisions of the Act.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that no incriminating material has been recovered either from the possession of the petitioner or the premises belonging to him, I am inclined to grant the petitioner privilege of anticipatory bail.



This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Bochaha Police Station Case No. 250 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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