

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26365 of 2020

Arising Out of PS. Case No.-893 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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SOHAN RAM S/o Late Butai Ram @ Bhutai Ram Resident of Mohalla-
Ambedkar Nagar, Basawariyani Ghosukpura, 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.Sanjeev Kumar

For the Opposite Party/s : Mr.Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-12-2020 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 Bettiah Town Police Station Case No. 893 of 2019,
disclosing offences under Section 414 of the Indian Penal Code
and Section 30 (a) 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 raided the houses of the residents of
Ambedkar Nagar Baswaria and recovered 7 litres of country-
made liquor, one small gas stove and two small gas cylinders
from the house of one Gita Devi. The name of the petitioner has



transpired on the basis of the fact that some villagers have disclosed that the petitioner fled away, at the time of raid, from the house of said Gita Devi and he used to purchase illicit liquor from Gita Devi for selling it in the market.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has got no criminal antecedent. He further submits that from perusal of the First Information Report and the seizure list, it would be evident that the illicit country-made liquor has been recovered from the house of co-accused Gita Devi and his name has transpired in this case only on the basis of the disclosure made by the co-villagers that he used to purchase illicit liquor from Gita Devi to sell it in the market. He further submits that no incriminating material has been recovered from the conscious possession or the premises belonging to the petitioner and 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. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, West Champaran, at Bettiah, in connection with Bettiah Town Police Station Case No. 893 of 2019, 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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