

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29349 of 2020

Arising Out of PS. Case No.-441 Year-2020 Thana- SAHARSA District- Saharsa

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Gautam Kumar @ Gautam Bhagat S/o Shri Nandeshwari Bhagat Resident of Village- Khajuraha, P.S.- Sonbarsa Raj, District- Saharsa, at present resident of Sant Nagar, Ward No. 35, Saharsa, P.S. and District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Pd.Singh, Sr.Advocate and
Mr.Bhaskar Shankar, Advocate

For the Opposite Party : Mr.Ganesh Pd. Singh, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-12-2020 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor representing the State through video conferencing.

The petitioner apprehends arrest in a case registered for the offence punishable under sections 30/41 of the Bihar Prohibition and Excise Act and sections 420/34 of the Indian Penal Code and sections 18,27,and other sections of the AC Drugs and Cosmetic Act.

126 liters of illicit foreign liquor and 40 liters country made liquor, driving licence card, voter I.Card, cheque books of different banks, SIM cards and live cartridge etc. were recovered from lodge of co-accused Ramchandra Mistri who disclosed that the lodge was given to the petitioner on rent.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Earlier petitioner had made complaint against local police before the higher authorities as a result of which enquiry was also conducted and some action had been taken against the police personnel. From bare perusal of the seizure list, it is apparent that pass books, cheques of different banks as well as voter card etc. have been found in the room of the petitioner. However, in order to make out a serious case live cartridge have falsely been shown to be recovered from the house of the petitioner. Petitioner is lecturer in ITI college, Saharsa. It is further submitted that the present case has been lodged with mala fide intention only to implicate the petitioner in a criminal case. Seizure list reflects that no liquor was found from the house of the petitioner. Save and except the confessional statement of co-accused, no incriminating material has been recovered from the conscious possession of the petitioner.

In the facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender, let the petitioner mentioned above 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 Additional Sessions Judge II cum



Special Judge, Excise Act Saharsa, subject to the conditions laid
down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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