

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20622 of 2021

Arising Out of PS. Case No.-185 Year-2020 Thana- KALUAHI District- Madhubani

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1. DASRATH SAH S/O LATE RAM RUCH SAH R/o village- Ramgrha, P.S.- Kaluauhi, District- Madhubani
 2. Mithilesh Sah S/o Dasrath Sah R/o village- Ramgrha, P.S.- Kaluauhi, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Mr. Ravi Prakash, Mr. Vinod Kumar

For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-12-2021 At the outset, it is submitted by learned counsel for the petitioners that he seeks permission to withdraw this application against petitioner no. 2.

Permission is granted.

In view of the aforesaid submission, this application is dismissed as withdrawn against petitioner no. 2, namely, Mithilesh Sah.

Now, learned counsel for the petitioner is pressing this application only against petitioner no. 1, namely, Dasrath Sah.

Heard learned counsel for the petitioner no. 1 and learned APP for the State.



Learned counsel for the petitioner is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Kaluahi P.S. Case no. 185 of 2020 instituted for the offence under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story relates to recovery of 65.25 litres of nepali sofi wine and 9.00 litres of IMFL from outside the house of co-accused Mithilesh Sah (Petitioner no. 2) concealed under the straw piling.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Son and father both are implicated in the same case, which is not proper. He has got no criminal antecedent. No incriminating article has been recovered from his conscious possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this



Court is inclined to enlarge the petitioner no. 1 on bail. The petitioner no. 1, namely, Dasrath Sah is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Kaluahi P.S. Case no. 185 of 2020, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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