

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36357 of 2020

Arising Out of PS. Case No.-418 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

PRAMOD RAY Son of Yogendra Ray Resident of Village - Rudahan Sanathi,
P.S.- Bochahan, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 13-04-2021 Heard both sides.

The petitioner apprehends his arrest in Bochahan P.S.

Case No.418 of 2019 registered under Sections 272 and 273 of
the Indian Penal Code and under Section 30(a)(d) of Bihar
Prohibition and Excise Act.

The informant alleged that while he was on patrolling
duty along with other police officials, he got information that
Fuleshwar Sah of village Chaupal is going to sell country made
and foreign liquor. He was loading the liquor on auto. The
informant reached near the house of Fuleshwar Sah and saw
some persons fleeing away. One person was caught on chase
who disclosed his name as Anil Sahani. Anil Sahani disclosed
that owner of the liquor is Pramod Ray and Chhotu Sahani. He



was going to hand over the liquor to them. 68.115 litres of liquor was recovered.

The learned counsel for the petitioner submits that petitioner has got no criminal antecedent. The name of the petitioner surfaced in the case in the confessional statement of Anil Sahani from whose possession, liquor was recovered. Nothing has been recovered from the possession of the petitioner. The informant did not collect any evidence that the petitioner entrusted Anil Sahani to purchase the liquor and deliver the same to him. Therefore, no case under Section 30(a) of Bihar Prohibition and Excise Act is made out against the petitioner.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioner and the fact that nothing has been recovered from the possession of the petitioner and name of the petitioner surfaced in the case in the confessional statement of Anil Sahani who was apprehended and from whose possession liquor was recovered, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks 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 the learned Special



Judge, Excise Act, Muzaffarpur in connection with Bochahan
P.S. Case No.418 of 2019, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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