

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35205 of 2020

Arising Out of PS. Case No.-266 Year-2020 Thana- JAYNAGAR District- Madhubani
=====

ROHIT SHARMA son of NARESH SHARMA @ Naresh Thakur Resident of
Village- Yogiya, P.S.- Ladaniya, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Jha
For the Opposite Party/s	:	Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-03-2021 Heard Mr. Shailendra Kumar Jha, learned counsel

for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Jaynagar P.S. Case No. 266 of 2020 (G. R. No. 904/2020) instituted for the offences under Sections 272, 273, 414, /34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

It appears from the prosecution report that liquor in huge quantity has been recovered from an open field. The petitioner is sought to be prosecuted in this case because of the presence of the motorcycle of the petitioner



at the place of raid.

Learned counsel for the petitioner has submitted that the petitioner had been coming back to his home when vehicles were being checked. The petitioner has unnecessarily been made accused in this case because he did not oblige the local police by greasing his palm. Since there is no recovery from him and he is a person of clean antecedent, learned counsel for the petitioner submits that his anticipatory bail application ought to be allowed.

Regard being had to the afore-stated facts, namely, the petitioner being a person of clean antecedent and there being no recovery from his exclusive or constructive possession, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds 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, in connection with Jaynagar P.S. Case No. 266



of 2020 (G. R. No. 904/2020) , subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure

While saying so this Court has taken note of the fact that one of the other accused persons of this case has been granted anticipatory bail by a Bench of this Court.

(Ashutosh Kumar, J)

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