

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6859 of 2021

Arising Out of PS. Case No.-446 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

Bholu Kumar, male, aged about 27 years, Son of Rajendra Sah, Resident of
Village - Pakdi Bangali, P.S. - Mahadewa O.P., District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 14-12-2021 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his
arrest in connection with Siwan Muffasil (Mahadewa) P.S.
Case No. 446 of 2020, dated 02.10.2020, instituted for the
offences under Sections 272 and 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

On secret information that the petitioner is carrying



liquor in his vehicle, a raid was conducted. One person standing by the side of the vehicle is said to have run away. The local Chawkidar later informed that he was the petitioner.

Hence, the prosecution of the petitioner in the instance case.

It has been submitted on behalf of the petitioner that the vehicle does not belong to him nor is he in any manner concerned with the liquor so seized. Merely, because of confidential information, without disclosing the source, the petitioner is sought to be prosecuted in this case. The nature of identification of the petitioner by the local Chawkidar, it has been argued, also appears to be doubtful.

With the aforesaid factual background, the counsel for the petitioner has submitted that the offence under the Excise Act cannot be said to have been made out against him.

For the reasons afore-stated, the petitioner, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be



released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-Cum-Special Judge, Excise, Siwan in connection with Siwan Muffasil (Mahadewa) P.S. Case No. 446 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

While saying so, this Court has taken note of the fact that the petitioner does not have criminal antecedents.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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