

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8138 of 2021**

Arising Out of PS. Case No.-368 Year-2020 Thana- NAUBATPUR District- Patna

Birendra Sharma @ Birendra Kumar Son of Ram Murti Sharma R/O Village-
Badipur, P.O.- Chiraura, P.S.- Naubatpur, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Adv.
For the Opposite Party/s : Mr.Chaubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 12-07-2021

Heard both sides through video conferencing.

The petitioner apprehends his arrest in Naubatpur P.S.
Case No.368 of 2020 registered under Sections 30(a) and 41 of
Bihar Prohibition and Excise Act.

The informant, S.H.O. of Naubatpur P.S., alleged that
during the course of night patrolling, the informant got
information that some liquor traders brought wine and stored in
the house of Vishwajit Sharma situated in village Parsa. The
informant reached there but saw some persons fleeing away. On
chase, three persons namely, Sanjay Kumar, Bhola Sharma @
Avinash Kumar and Vishnu Kant Sharma were apprehended.
They are said to have disclosed that Vishwajit Sharma and
petitioner brought the liquor.

The learned counsel for the petitioner submits that
apprehended accused were found fleeing away from the house
of Vishwajit Sharma. The recovery was made from the house of
Vishwajit Sharma. Petitioner is not involved in any illicit trade
of liquor. Petitioner has got no criminal antecedent. Save and



except the fact that the apprehended accused disclosed the name of the petitioner, there is no material against the petitioner and nothing has been recovered from the possession of the petitioner.

Learned A.P.P. opposed the prayer for anticipatory bail.

Taking into consideration the facts aforesaid and the fact that the apprehended accused persons disclosed the name of the petitioner that the petitioner along with Vishwajit Sharma brought the liquor but no recovery is made from the possession of the petitioner and recovery is made from the house of Vishwajit Sharma, 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, Patna in connection with Naubatpur P.S. Case No.368 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Saurabh/-

U		T	
---	--	---	--

