

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49335 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- GOPALPUR District- West Champaran

Dukhi Sah, Son Of Late Akalu Sah, Resident Of Village- Tengarahiya, Ps-
Gopalpur, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Gopalpur P.S. Case No. 12 of 2023, registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, police received secret information about petitioner selling illicit liquor at the bank of Sikrahna river. A raid was conducted but the petitioner was successful in fleeing away from the spot. Recovery of 5 litres of *chulai* liquor was made from the spot.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person



or possession of this petitioner. Petitioner has been made accused in this case merely on suspicion. The petitioner was not involved in any manner with the illicit liquor. Petitioner is not the owner of the land from where the recovery has been shown. There is no material on record to connect the petitioner with the alleged offence. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of this petitioner and also considering the clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Bettiah, West Champaran/court concerned, in connection with Gopalpur P.S. Case No. 12 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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