

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48841 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- KASMA District- Aurangabad

Sahabir Bhuiyan @ Sahbir Bhuiyan @ Sahvir Bhuiyan, Son of Anant Bhuiyan, Resident of Village-Khikhriya, Bandh, P.S.-Kasma, District-Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, 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 Kasma P.S. Case No. 92 of 2023 registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, police received secret information about the petitioner selling illicit country made liquor and the raid was conducted. When the police reached the identified place, a person started running away after throwing white colour bag. From that bag, four liters of country made *chulai mahua* liquor was recovered. The police came to know from the local *Chaukidar* and villagers about the person who



fled away from the spot was this petitioner.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The recovery has been made from an open place behind the house of the petitioner and that place does not belong to the petitioner. The petitioner was not even present at the place of occurrence on the date and time of the occurrence and nothing incriminating has been seized from the person/possession of the petitioner. There is no independent witnesses to the seizure list. The petitioner has been named in this case merely on suspicion.

5. Learned APP opposes the prayer for grant of anticipatory bail to the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that recovery has been shown from an open place having no concern with 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 Special Judge, Excise Court No.1, Aurangabad, in connection with Kasma P.S. Case No. 92 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)

V.K.Pandey/-

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