

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56918 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- HATHIDAH District- Patna

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1. Ravi Bhushan Kumar S/o- Late Surya Narayan Das, R/o Mohalla- Harijan Colony TV Center, PS- Sahayak Dist- Katihar
 2. Vikram Kumar son of Ram Avtar Yadav @ Ramawatar Yadav, R/o village- Danauja PS- Phulparas Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Aryan Singh, learned counsel for the
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Hathidah P.S. Case No. 16 of 2023 registered for the offences punishable under Section 188 of the Indian Penal Code and Sections 51 and 52 of the Bihar Prohibition and Excise Act, 2016.

3. It is alleged that one person was apprehended by the home guards and, in course of search, tetra pack containing illicit liquor was recovered and thereafter he was handed over to the petitioners, however, later on, the informant came to know that said person was let off without institution of the FIR, which



prima facie shows the criminal misconduct of the petitioners, who let off the apprehended accused by taking bribe from him.

4. Learned counsel for the petitioners submits that that after institution of the FIR, the petitioners were put under suspension and a show-cause has been issued to them. Accordingly, they filed their show-cause reply and after proper enquiry, it has been found that the person who was handed over by the home guards to the petitioners was carrying a bag containing some Appy Juice and no illicit liquor was found. Considering the aforementioned factual position and the enquiry report, the suspension of the petitioners have been revoked and they have been allowed to join their services. He further submits that the petitioners have been discharging their duties since long and there has never been any allegation or any complaint with regard to any dereliction in discharging their duties. He lastly submits that the petitioners are A.S.I., having fair antecedent.

5. On the other hand, learned counsel for the State opposes the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the enquiry was conducted by the senior officials, who found the allegation untrue and they have been restored in their services, coupled



with the fact that the petitioners are men of fair antecedent, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Court Excise, Barh, Patna in connection with Hathidah P.S. Case No. 16 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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