

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69116 of 2023

Arising Out of PS. Case No.-95 Year-2023 Thana- SAHARGHAT District- Madhubani

SHRI RAM RAM @ SHREE RAM son of Late Bauku Ram Village-
Saharghat Ps- Saharghat Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv.

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-11-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Saharghat P.S. Case No. 95/ 2023 dated 13.07.2023
registered for the offence(s) punishable under Section(s) 272,
273 of the Indian Penal Code and under Section 30(a) of Bihar
Prohibition & Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the FIR of present matter has
been registered under Sections 272, 273 of the Indian Penal
Code and under Section 30(a) of Bihar Prohibition & Excise Act
but alleged offence under Excise Act does not attract even prima
facie against the petitioner because as per prosecution's
allegation, the alleged wine is stated to have been recovered



behind the house of the petitioner near a drain and the said place is an open place which is accessible to everyone and in the seizure memo, details of the place of recovery is completely vague and the same does not show the alleged place of recovery being in the possession of the petitioner when the recovery was made and the petitioner has fair and clean antecedent having no criminal background of similar offence.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that the alleged recovery of wine is stated to have been made behind the house of the petitioner near a drain and the seizure memo does not disclose that the alleged place of recovery was under exclusive possession of the petitioner when the alleged recovery was made, in my opinion, in the said circumstances, petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Saharghat P.S. Case No. 95/2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of



the Court concerned, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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