

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66180 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- SALAIYA District- Aurangabad

Niraj Kumar Son of Sri Umesh Chaudhary R/o vill - Chaudhary Bigha, P.S. -
Salaiya, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd Singh Sr. Adv. with
Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-11-2023 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Salaiya P.S. Case No. 84 of 2023 dated 16.08.2023, instituted
for the offence punishable under Sections 30(a), 34 and 36 of
the Bihar Prohibition and Excise Act.

3. There is alleged recovery of 50 liters of spirit from the
orchard of the petitioner.

4. Learned senior counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. It is further submitted that from perusal of the First
Information Report (for brevity 'FIR') it is alleged that 50 liters
of spirit was recovered from a hut situated in orchard near



Madaar river and further it is alleged that the petitioner along with co-accused, namely, Praveen Kumar was identified by the villagers while they were fleeing away. It is next submitted that petitioner has no concern with the alleged recovered spirit in any manner whatsoever rather he has been made accused in this case as the alleged orchard is the ancestral property of the petitioner. It is further submitted that the alleged place of occurrence is an open land adjacent to Madaar river, having access to one and all. It is next submitted that informant got secret information specially regarding the involvement of the petitioner and co-accused, namely, Praveen Kumar and even villagers assembled at the place identified them fleeing away, but none of the name of the villagers have been mentioned. It is submitted that during investigation none of the witnesses have claimed to see the petitioner even in or around the place of occurrence. The petitioner has no criminal antecedent, as per statement made in para 3 of the bail petition.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender before the learned Court below within



six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.-I, Aurangabad, in connection with Salaiya P.S. Case No. 84 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

shyambihari/-

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

