

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23445 of 2024

Arising Out of PS. Case No.-636 Year-2023 Thana- NAANPUR District- Sitamarhi

Deonarayan Das, Son Of Late Jaidev Das Resident Of Village - Bathaul, P.S. -
Nanpur (BOKHARA), District - Sitamarhi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-04-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Section 30(a)
of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of two cases and the allegation is of
recovery of 30 litres of liquor from a place behind the house of the
petitioner.
4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and even alleged
recovery is from a place, which does not belong to the petitioner
and is accessible to public at large and he came to be implicated at
the instance of Chaukidar with whom he is on an inimical term. It
is next submitted that it absolutely does not stand to reason that if



Chaukidar was aware of the involvement of the petitioner in the occurrence, then why he did not inform the police prior to institution of the instant F.I.R., which cast an aspersion on the case of the prosecution. It is also submitted that in most of the cases, it is seen that after recovery is made thereafter the accused persons are being implicated either at the instance of Chaukidar or local people.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Exclusive Excise Court-II, Sitamarhi in connection with Nanpur P. S. Case No.636 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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