

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40509 of 2024

Arising Out of PS. Case No.-1 Year-2022 Thana- NAUTAN District- Siwan

Dara Bhagat son of Ramjit Bhagat Village- Sisai Nayagaon Ps- Bhore Dist-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. Learned counsel for the petitioner submits that office has pointed out defect at serial no. 6(1) that readable copy of page no. 14 to 17 of Annexure-2 are wanting. However, the same are quite readable and as such, the said defect may be ignored.

03. I have perused Annexure-2, which appears to be a readable document. Accordingly, the defect at serial no. 6(1) as pointed out by the office is ignored.

04. In the present case, the petitioner is apprehending his arrest in connection with Nautan P.S. Case No. 01 of 2022 registered for the alleged offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



05. As per prosecution case, four co-accused persons were apprehended during checking of vehicles and recovery of 4.800 liters of country made liquor was made from their Tempo. The petitioner is stated to be the owner of the said Tempo.

06. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is true that the petitioner is owner of the Tempo, but he has no knowledge about illicit liquor being kept in the Tempo and he has no concern with the search, seizure and recovery of illicit liquor. During the relevant time period, the petitioner had been residing in UAE for earning his livelihood and the petitioner remained abroad since 15.12.2021 to 26.03.2024, therefore, the liability for the alleged incident could not be fastened on the petitioner. The petitioner has got no criminal history.

07. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

08. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the remoteness of allegation and strong possibility of false implication, 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. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Siwan-cum-Exclusive Special Excise Court No.II, Siwan/concerned court in connection with Nautan P.S. Case No. 01 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other 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)

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