

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38565 of 2024

Arising Out of PS. Case No.-411 Year-2023 Thana- PIPRA District- Supaul

Bhutan Sada @ Kusheshwar Sada Son of Ramo Sada Resident of Village-
Maheshpur, Ward No- 10, P.S- Pipra, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Pipra P.S. Case No. 411 of 2023, registered on 30.12.2023 for the offences under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, on the basis of secret information police recovered 15 litres of country made liquor from an orchard and petitioner is stated to be the person who has been selling the liquor and fled away from the spot on seeing the police party.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Nothing incriminating has been recovered from the



conscious possession of the petitioner. The petitioner has been named in this case on saying of local chaukidar who is not on good term with the petitioner. Learned counsel further submits that the recovery has been made from an open place which is accessible to all. The said place does not belong to the petitioner. Though the petitioner is accused in two cases of similar nature but he is on bail in both the cases and petitioner has been falsely implicated in those cases as well.

5. Learned APP opposes the submission made on behalf of the petitioner mentioning the fact that the petitioner is having antecedent of two cases of similar nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner whose name came up on saying of local chaukidar and others and further considering the 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Court No. 1, Supaul,



Aurangabad/concerned court in connection with Pipra P.S. Case No. 411 of 2023, subject to the condition as 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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