

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38877 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- AMDABAD District- Katihar

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Raju Singh, Son of Sona Singh, Resident of Village- Bhagwan Tola, P.S-
Amdabad, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner is apprehending his arrest in connection with Amdabad P.S. Case No. 71 of 2024 registered on 13.04.2024 for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

3. As per prosecution case, police received secret information about petitioner selling illicit liquor from his house. A raid was conducted and a person fled away from the spot. Further search of the house was made and from the courtyard of the house, 12 litres of country made liquor was recovered. The name of the petitioner was disclosed by the local *Chowkidar* as the person who fled away from the spot.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of this petitioner. Petitioner has been named in this case on saying of the local *Chowkidar*. The house from which the recovery has been shown is an abandoned house of the petitioner and no family members reside there. The petitioner has no concern with the seized liquor. Real fact of the case is that the liquor smuggler against whom this petitioner has made a number of complaint have falsely implicated the petitioner by planting the illicit liquor at the said place. There is complete violation of Section 100 of Cr.P.C. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that recovery has been made from the courtyard of this petitioner.

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 this petitioner and also considering the clean antecedent of the petitioner coupled with strong possibility of false implication, let the petitioner named above, 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 Exclusive Special Judge (Excise)-I, Katihar/ court concerned in connection with Amadabad P.S. Case No. 71 of 2024, 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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