

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38814 of 2024

Arising Out of PS. Case No.-186 Year-2024 Thana- SIKARPUR District- West Champaran

Rajbali @ Rajbali Mahto, Son of Khoari Mahto, R/o Village- Maldahiya
Pokhariya, P.S.- Shikarpur, Dist.- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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 Shikarpur P.S. Case No. 186 of 2024 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Act, 2018.

3. As per prosecution case, police received secret information about petitioner selling illicit liquor. A raid was conducted on the house of the petitioner from where a person tried to escape with a container. Later on the person fled away from the spot taking advantage of darkness leaving behind the container from which recovery of 5 litres of country made liquor was made.

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. The name of the petitioner transpired in this case on the disclosure of local Chowkidar. Recovery has been shown outside from the house of the petitioner which is road and barren land. Petitioner has no concern with the seized liquor. There is complete violation of Section 100 of Cr.P.C. Petitioner is having criminal antecedent of one case in which he is on bail.

5. Learned APP opposes the submission made on behalf of the 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 lack of substantive material to connect the petitioner with the offence as alleged coupled with 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-II,



Bettiah, West Champaran/ court concerned, in connection with Shikarpur P.S. Case No. 186 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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