

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40587 of 2024

Arising Out of PS. Case No.-842 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

Wikesh Kumar R/o Ramanandi Mukhiya R/o Village-Harkaina,P.S.- Muffasil,
Motihari, district-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Alka Singh, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 842 of 2023 registered on 30.11.2023 for the alleged offences under Section 30(a), 32 & 41(1) of the Bihar Prohibition and Excise Amendment Act, 2018.

03. As per prosecution case, police received secret information about the petitioner keeping a huge quantity of illicit liquor in a ditch near a chimney. A raid was conducted and a person fled away from the spot who was identified as the person. On further search of the space, recovery of 70 litre country made *chulai* liquor was made.

04. Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that nothing incriminating has been made from person or possession of the petitioner. Admittedly recovery has been made from an open space and the petitioner has no concern with the said place or the recovered liquor. The petitioner is having no criminal history.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that recovery has been shown from an open place and no recovery has been shown from this petitioner and further considering possibility of false accusation, 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) each with two sureties of the like amount each to the satisfaction of Court of learned Special Judge, Excise Court No. 1, East Champaran at Motihari in connection with Muffasil P.S. Case No. 842 of 2023, 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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