

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42412 of 2024

Arising Out of PS. Case No.-580 Year-2023 Thana- SASARAM MUFFSIL District- Rohtas

Vikash Nut, Son of Baban Nut, Resident of Village - Vishrampur Tola, Police
Station - Sasaram (M) in the district of Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-07-2024 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 Sasaram (M) P.S. Case No. 580 of 2023 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2018.

3. As per prosecution case, police received information about petitioner dealing in trade of illicit liquor. A raid was conducted at the identified place and police found two persons holding a sack on motorcycle who fled away on seeing the police party. From the search of the sack, total 56.46 litres of foreign liquor was recovered. Local people disclosed the name of the petitioner who fled away from the spot when the raid was being conducted.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent has been falsely implicated in this case. Petitioner was not apprehended from the spot and no recovery has been made from his conscious possession. Alleged recovery was made from an open place and the said place does not belong to this petitioner. Petitioner has nothing to do with the recovered liquor. 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 lack of material to make out *prima facie* case under the provisions of Excise Act against the petitioner and also considering the fact that no recovery has been shown from the petitioner 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 Excise Court No.2-cum-Additional District and Sessions Judge,



Rohtas at Sasaram/ court concerned, in connection with Sasaram (M) P.S. Case No. 580 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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