

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42504 of 2024

Arising Out of PS. Case No.-164 Year-2024 Thana- RANIGANJ District- Araria

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Sohit Kumar @ Sohit Kumar Noniya @ Raju Chauhan Son of Bechan Chauhan @ Bechan Nonia R/O Vill.- Belgachhi, Ward no. 1, P.S.- Raniganj, Dist.- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-07-2024 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 Raniganj P.S. Case No. 164 of 2024, registered on 21.04.2024 for the offences under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, police received secret information about petitioner selling illicit liquor from his Gumti. A raid was conducted and a person fled away from the Gumti and recovery of 4 litres of country made liquor was made from the top of the Gumti.

4. Learned counsel for the petitioner submits that



it is evident from the FIR the Gumti is near the Raniganj bus stand and anybody could bring and put the illicit liquor on the top of the Gumti and for such recovery the petitioner cannot be made accused. He was not apprehended from the spot and nothing incriminating has been recovered from the person or possession of the petitioner. The petitioner is having criminal antecedent of two cases of similar nature in which he is on bail.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is having criminal 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 the recovery has been made from a place accessible to all and further consideration 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-Ist, Araria/concerned court in connection with Raniganj P.S. Case No. 164 of 2024, 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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