

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45378 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- PARBATTa District- Khagaria

Raja Kumar Son of Sri Ramashray Choudhary @ Ramashary Chaudhari
Resident of Village - Kanhaiyachak, P.S.- Parbatta, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No. 13, Adv. Mr. Rohit Kumar, Adv. Ms. Priti Kumari, Adv.
For the Opposite Party/s	:	Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-09-2024 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 Parbatta P.S. Case No. 69 of 2024, registered for the alleged offence under Section 30(a) of the Bihar Prohibition and Excise Act (Amendment) Act, 2018.

3. As per the prosecution case, police received secret information about petitioner and other co-accused persons bringing huge quantity of liquor and concealing it in the open land of the petitioner situated outside the village. A raid was conducted and a number of persons fled away from the spot. The place was searched and from the *basa* of this petitioner, 102.75 litres of foreign liquor was recovered which was concealed beneath the soil and in the bushes.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Except secret information received by the police, there is no material to show the involvement of the petitioner in the alleged occurrence. Nothing incriminating has been recovered from person or possession of the petitioner. The petitioner has nothing to do with the seized liquor or the place from where seizure has been made. In these facts, no offence under the provisions of Bihar Prohibition and Excise Act is made out. The petitioner is having antecedent of one case of different nature. Similarly placed co-accused person Raushan Kumar has been granted anticipatory bail by this Court vide order dated 26.06.2024 passed in Cr. Misc. No. 38799 of 2024.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of material to show the involvement of the petitioner and further considering 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 bond of Rs.

10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-II, Khagaria, in connection with Parbatta P.S. Case No. 69 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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