

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47020 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- OBRA District- Aurangabad

Shambhu Ram Son of Lalan Ram Resident of Village - Nawner / Nauner, P.S.
- Obra, District – Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Mukul Kumari
For the Opposite Party/s : Mrs.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with G.R. No. 436/2024 arising out of Obra P.S. Case No.104/2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there is alleged recovery of 80 liters country made liquor from hut and the name of petitioner transpired in this case on the basis of secret information. It is alleged that the petitioner and other are said to have involved in the business of illicit liquor.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case due to



criminal antecedent. The name of the petitioner transpired in this case, on the basis of disclosure of spy and there is nothing on record to show as to who has disclosed the name of present petitioner. He further submits that the petitioner was neither concerned with the said hut nor was concerned with the seized liquor. The petitioner bears one criminal antecedent in which he is on bail. Nothing has been recovered from the conscious possession of the petitioner and he is not in any way connected with the alleged occurrence. He further submits that there is no compliance of Section 100 Cr.P.C. In the light of the aforesaid submission, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge of



Excise-II, Aurangabad in connection with G.R. No. 436/2024
arising out of Obra P.S. Case No.104/2024, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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