

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49770 of 2024

Arising Out of PS. Case No.-257 Year-2024 Thana- SIKARPUR District- West Champaran

Gulli Raut @ Dharamraj Raut, aged about 41 years, Male, Son of Shanbhu Raut @ Shambhu Raut, Resident of Behari, P.S.- Sikta District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party : Mrs. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 13-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Shikarpur P.S. Case No. 257 of 2024 dated 14.04.2024 registered for the offences punishable under Sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 100 litres of illicit country made liquor was recovered from three bags which were kept in the *Baithka* (*sitting area*) of the house of the co-accused Radha Devi @ Radhika Devi who disclosed the name of the petitioner and other co-accused person Chandrika Raut @ Chandrika Dom.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended on the spot. No incriminating article has been recovered from the possession of the petitioner rather the alleged recovery of liquor was made from the *Dalan* of the co-accused Radha Devi to which the petitioner has no concern. The name of the petitioner has surfaced in the present case only on the basis of the confessional statement of the co-accused Radha Devi which has got no evidentiary value in the eye of law. The petitioner is the son-in-law of the co-accused Radha Devi with whom she had annoyance inasmuch as the relationship of the petitioner with his wife was not good at the relevant point of time. Probably, in such background, the co-accused Radha Devi acrimoniously implicated the petitioner in the present case. It is further submitted that neither the alleged recovered liquor nor the place of recovery belongs to the petitioner. It is further submitted that the other co-accused person Radha Devi @ Radhika Devi has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 46659 of 2024 under order dated 03.07.2024 and the co-accused Chandrika Raut @ Chandrika Dom has already been granted anticipatory bail by another Co-ordinate Bench of



this Court vide Cr. Misc. No. 48426 of 2024 under order dated 07.08.2024. The petitioner has two criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, Bettiah, West Champaran, in connection with Shikarpur P.S. Case No. 257 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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