

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51781 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- MUSRIGHRARI District- Samastipur

Amit Kumar S/O Ram Chandra Mahto R/O Village- Ward No.-13, Salempur,
Rupauli Bujurg, Distt.- Samastipur. Wrong Address Given As- Village-
Barbatta, P.S- Mushrigharari, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar,Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending
his arrest in connection with Musarigharari P.S. Case No. 66 of
2024 registered for the alleged offences under Section 30(a) of the
Bihar Prohibition & Excise (Amendment) Act.

03. As per prosecution case, police raised secret
information about petitioner indulging in trade of illicit liquor. A
raid was conducted and recovery of 12.42 litre of illicit foreign
liquor was made from a maize field behind the house of the
petitioner.

04. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this case.
As is apparent from the F.I.R. the recovery has been made from

the maize field but the said field does not belong to this petitioner and is an area accessible to all. The police personnel were having previous grudge with the petitioner and for this reason he has been made accused in this case. The petitioner has no connection with the seized liquor or storage of the same and is not involved in any manner in the alleged occurrence. Except for disclosure allegedly made by the locals, there is no material against the petitioner who is having antecedent of one case.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that the petitioner is having antecedent of similar nature of case.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and further considering 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) each with two sureties of the like amount each to the satisfaction of Court of learned Exclusive Special Judge, Excise No.01, Samastipur in connection with Musarigharari P.S. Case No. 66 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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