

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50049 of 2024

Arising Out of PS. Case No.-625 Year-2021 Thana- MADHAURAH District- Saran

Akhilesh Nut Son Of Seni Nut @ Amardeep Nut R/O- Village- Pakha Nut
Toli (Asoiyan), P.S.- Marhowrah, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-08-2024 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 Marhowrah P.S. Case No. 625 of 2021, registered on 06.11.2021 for the offences under Sections 272, 273/34 of the Indian Penal Code and Sections 30, 30(a), 36, 38, 41(i) of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about petitioner and co-accused storing spirit for making liquor near a High School in an area covered by water lilies, a raid was conducted and two persons fled away from the spot. From the area covered by water lilies, recovery of 255 litres of spirit was made.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case as the petitioner has no concern with the seized liquor. The recovery has been shown from an open place accessible to all. The petitioner has no concern with the said place and has been made accused in this case due to highhandedness of the police. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and the fact that no recovery has been shown from the person or possession of the petitioner and recovery has been shown from an open place and further considering the remoteness of allegation, 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 2nd Exclusive Special Excise Court, Saran at Chapra/concerned court in connection with Marhowrah P.S. Case No. 625 of 2021, 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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