

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51919 of 2024**

Arising Out of PS. Case No.-1069 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Om Prakash Sah, Son of Late Rameshwar Sah, Resident of Village - Asharfi
Sah Tola, P.S.- Turkauliya, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate
For the Opposite Party : Mr. Lakshmi Kant Sharma, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Turkauliya P.S. Case No. 1069 of 2023 dated 13.10.2023 registered for the offences punishable under Sections 272, 273/34 of the I.P.C. and Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 10 litres of illicit country made liquor was recovered from the bush near the house of the co-accused Raj Kumar Mahto and total 24.5 litres of illicit country made liquor kept in a sack behind the house of the co-accused Pintu Sah was also recovered. The petitioner, the co-accused Pintu Sah and Mahendra Sah are stated to be fled



away from the place of occurrence.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that no incriminating article has been recovered either from the possession of the petitioner or from his house rather the same has been recovered from the bush near the house of the co-accused Raj Kumar Mahto and behind the house of the co-accused Pintu Sah. The petitioner was not apprehended on the spot. His name has come in the present case on the basis of disclosure made by the local villagers but the name of the local villagers has not been disclosed by the prosecution who have named the petitioner which creates doubt about the prosecution case. The place from which the liquor was recovered does not belong to the petitioner. The other co-accused Mahendra Sah has already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 14995 of 2024 under order dated 07.03.2024, annexed as Annexure-2 to the present bail application as well as other co-accused person Pintoo Sah @ Piku Sah has also been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 5156 of 2024 under order dated 15.02.2024, annexed as Annexure-3 to the present bail



application. 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 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 before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. 1, Motihari, East Champaran, in connection with Turkauliya P.S. Case No. 1069 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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