

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51978 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- PIPRAKOTHI District- East Champaran

Dipindra Kumar @ Bhuara, Son Of Shambhu Sahani, Resident Of Village -
Hathiyahi, P.S. - Piprakothi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Piprakothi P.S. Case No. 49 of 2024 registered for the alleged offences under Sections 272, 273, 308 and 328 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2022.

3. As per prosecution case, on the basis of secret information, a raid was conducted on certain identified place and one person fled away from the spot and the name of the petitioner was disclosed by the villagers as the person who fled away from the spot. From the spot, recovery of 50 litres of country made liquor was made.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. From perusal of FIR, it is evident that recovery has been made from an open place and the petitioner could not be fastened with liability for the alleged recovery. For this reason no offence under Section 30(a) of the Excise Act is made out against the petitioner. The name of the petitioner transpired on the basis of disclosure made by the villagers and apart from that there is no material against the petitioner. 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 fact that no recovery has been shown from this petitioner and recovery has been made from an open place and also considering the clean antecedent of the petitioner coupled with possibility of false implication, let the petitioner named above, 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) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No.1, East Champaran, Motihari/court concerned in connection with Piprakothi P.S. Case No. 49 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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