

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68293 of 2024**

Arising Out of PS. Case No.-71 Year-2024 Thana- KACCHWA District- Rohtas

Bhuar Saw @ Ram Niwash Sah S/o Satyanarayan Sah R/o Village-
Mangaraon, P.S.- Kachhawa, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Kachhawa P.S. Case No. 71 of 2024 instituted for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that total 18 litres
of *Mahua* has been recovered from the street near the house of
one Dukhi Bari.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted



that petitioner has no knowledge and concern with the alleged recovery. Learned counsel further submitted that the alleged recovery has been made from open place which is accessible to local people. The petitioner has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of arrest/surrender before the lower court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kachhawa P.S. Case No. 71 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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