

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81023 of 2024

Arising Out of PS. Case No.-409 Year-2023 Thana- KOTWA District- East Champaran

Rameshwar Nut S/o Late Mahajan Nut R/o vill - Bajhiya Bazar, Nut Tola, P.S.
- Kotwa (Bhopatpur O.P.), Distt. - 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 : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Kotwa (Bhopatpur) P.S. Case No. 409 of 2023 dated 24.11.2023
instituted for the offence punishable under Sections 30(a) of the
Bihar Prohibition and Excise Act.

3. The allegation is of recovery of total 15 litres country
made liquor from *Bathan* / cowshed of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is submitted that the petitioner has been made accused in
this case only on the basis of disclosure made by the co-accused,
Munnilal Sah. The petitioner has not been arrested on the spot.
Nothing has been recovered either from the conscious possession



of the petitioner or from his house. The alleged recovery is from a place which is accessible to public at large. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Kotwa (Bhopatpur) P.S. Case No. 409 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court No. 1, Motihari, East Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C.,

(Khatim Reza, J)

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