

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.111 of 2024

Arising Out of PS. Case No.-116 Year-2023 Thana- DARPA District- East Champaran

BANARSI PATEL @ BANARSI RAUT S/O RAMCHANDRA PATEL
Resident of village- Sukhlahiya, P.S. - Darpa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-01-2024 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Darpa Police Station Case No. 116 of 2023, dated 17.09.2023, disclosing offence under Sections 272/273 of the Indian Penal Code and Sections 30 (a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that two persons, sitting under a banana plant, were selling illicit liquor, arrived at the place of occurrence and seeing the police, the accused persons started fleeing away. However, one Patwari Mukhiya was arrested and other persons succeeded in fleeing away. The arrested accused person



disclosed the name of the petitioner. The police recovered 5 litres of illicit country-made liquor from a plastic bag kept near the banana plant.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of disclosure of his name by the arrested co-accused person. He further submits that illicit liquor has not been recovered from the conscious possession and/or premises belonging to the petitioner. He further submits that the place of occurrence is an open space and is accessible to all and sundry.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that 5 litres of illicit liquor has been recovered kept near the banana plant, which is an open space and no illicit liquor has been recovered from the possession of the petitioner and/or premises belong to him, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be



released on bail on furnishing bail bond of Rs. 10,000/-
(ten thousand) with two sureties of the like amount each
to the satisfaction of learned Exclusive Special Excise
Court No. 2, East Champaran, at Motihari, in connection
with Darpa Police Station Case No. 116 of 2023, subject
to the condition laid down under Section 438 (2) of the
Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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