

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2766 of 2024

Arising Out of PS. Case No.-449 Year-2023 Thana- PHULWARIYA District- Gopalganj

Rambabu Singh @ Rambabu Kumar Singh Son of Upendra Singh Resident of
Village- Rampurkala, P.S.- Phulwariya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner is apprehending arrest in connection with Phulwariya P.S. Case No. 449 of 2023, registered on 04.12.2023 for the offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, on receipt of secret information about co-accused Brij Kishore Singh selling illicit liquor, a raid was conducted on his house and co-accused Brij Kishore Singh was apprehended. Recovery of 9 litres of country made liquor was made from the spot. Apprehended co-accused disclosed the name of the petitioner as supplier of the illicit liquor.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. He has been made accused in this case on the saying of co-accused in his confessional statement, which has got no legal sanctity. The place, from recovery has been made, does not belong to this petitioner, who has nothing to do with the allegedly seized liquor. The 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 remoteness of allegation without any corroborating material and also considering the possibility of false implication, let the petitioner above named, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of ₹10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Excise Court No.1, Gopalganj/concerned court in connection with Phulwariya P.S.



Case No. 449 of 2023, subject to the condition as 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)

Amrendra/-

U		T	
---	--	---	--

