

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32052 of 2025

Arising Out of PS. Case No.-145 Year-2025 Thana- GARKHA District- Saran

Chhathilal Nut S/o- Rajkumar Nut Village- Pithaghat Rampur PS- Garkha,
Dist- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Garkha P.S. Case No. 145 of 2025 registered for the alleged offence under Section 30(a) of Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, police received information about petitioner and two other co-accused persons selling illicit liquor near their houses. A raid was conducted and when the police reached near the house of the petitioner and other co-accused persons, police found that they were sitting in front of their houses with plastic boxes and on seeing the police party, they tried to flee away from the spot. However, two co-accused persons were apprehended and one person made his



good escape, who was identified by Mahal Chowkidar as this petitioner. From the plastic boxes left behind by this petitioner, recovery of 15 liters of country made liquor was made.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No recovery of any incriminating article has been shown from the person or possession of this petitioner. No offence under the provisions of Bihar Prohibition and Excise Act is made out against the petitioner. The petitioner has been falsely implicated in this case at the instance of *Mahal Chowkidar* and co-accused persons and there is no substantive material against the petitioner to show his involvement in the alleged occurrence. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and also considering the clean antecedent of the petitioner and probability of false implication, let the petitioner above named, 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 1st Exclusive Special Excise Court, Saran at Chapra/concerned court in connection with Garkha P.S. Case No. 145 of 2025, subject to the condition laid down under Section 482(2) of BNSS 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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