

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44876 of 2017

Arising Out of PS. Case No.-82 Year-2017 Thana- KHARAGPUR District- Munger

Umesh Kumar Singh @ Umesh Singh, S/o Jay Prakash Singh @ Prakash Singh, Resident of Village/Mohalla- Bahira, P.S.- Haveli Kharagpur (Shampur), Dist.- Munger.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh

For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 21-09-2017 Heard Sri Sanjiv Kumar Singh , learned counsel for the petitioner and learned Additional Public Prosecutor.

The sole petitioner has approached this court with a prayer to extend the privilege of anticipatory bail in Kharagpur (Shampur) P.S. Case No. 82 of 2017 registered for the offence under section 30(a) of the Bihar Excise Amendment Act, 2016 in the event of his arrest or surrender.

Learned counsel for the petitioner at the very outset by way of referring to the statement made in paragraph no. 11 of the petition has argued that it was a case of completely false implication. It would be better to incorporate the statement made in paragraph no. 11 of the petition in the present order ,



which is as follows:-

“That the real story is different from this story, this petitioner has taken V.R.S. from the post of B.S.F. and after taking V.R.S. he has been residing at his village. For last few months Kharagpur police has been making vexatious search in the village, several times this petitioner had opposed the Kharagpur police for making vexatious search in his village, even on same day at about 8 A.M. in the morning the Kharagpur Police had made vexatious search in the dwelling house of this petitioner and only to save from prosecution u/s 50 of the Bihar Excise Act, Kharagpur police planted this case and made search in the abandoned house of this petitioner”

It was submitted by learned counsel for the petitioner that since the petitioner after taking V.R.S. from B.S.F. was opposing vexatious search, the local Police i.e. Kharagpur Police falsely implicated the petitioner in the present case. He submits that on the same day i.e. 12.3.2017 in the morning at 8.00 his dwelling house was searched by the Police and at that very time nothing was recovered and thereafter, at about 11.00 a.m. again a search was shown to be conducted in dilapidated house and recovery of 3.75 liters of Indian make foreign liquor and 28 liters of country made liquor was shown and petitioner



was made accused. Learned counsel for the petitioner has also drawn my attention to the statement made in paragraph no. 3 of the petition to show that petitioner is having clean antecedent.

Considering the facts and circumstances particularly allegation, which has been leveled by the petitioner who is non- else but an Ex. B.S.F. personnel, the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail. Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner Umesh Kumar Singh @ Umesh Singh be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.P.L. Court (Bihar Excise Act) Munger/ concerned court in connection with Kharagpur (Shampur) P.S. Case No. 82 of 2017 subject to the conditions as contemplated under section 438 (2) of the Code of Criminal Procedure, 1973.

While allowing prayer for anticipatory bail to the petitioner , considering the accusation made by the petitioner, it is desirable to direct the concerned Superintendent of Police to personally examine the matter , and if he finds that accusation by the petitioner is correct, he may take appropriate action against the concerned police official(s).



Let a copy of this order be sent to the concerned
Superintendent Of Police.

(Rakesh Kumar, J)

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