

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9429 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
SAMASTIPUR

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1. Bhola Singh, Son of Sone Lal Singh, resident of village - Dekari, P.S.
Khanpur, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principle Secretary, Excise Department, Government of Bihar,
Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Smt. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 21-06-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

About 45 liters of liquor was allegedly recovered from the place which was said to be in possession of the petitioner.

Learned counsel for the petitioner raised preliminary objection that simply one page prosecution report has been submitted in this case without supplying the list of seizure list to the petitioner or his family members; whereas the offence is severely punishable with minimum imprisonment of five, seven or ten years. In the circumstances, a regular investigation was required, which should have included collection of evidence



including evidence regarding ownership of the place of seizure. In the present case in casual manner prosecution report has been submitted on the date of seizure itself.

The State-respondent was directed to file counter affidavit as to what step was taken regarding investigation of the case in regular manner. In nutshell the counter affidavit reveals that everything is in pipeline including the draft rules.

Considering the aforesaid fact, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Samastipur/Successor Court in connection with Excise Case No.04 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. With further condition that petitioner shall fully cooperate with the investigation and trial of the case, failing which the Court-below shall be at liberty to take steps for cancellation of the bail-bonds of the petitioner in this case.

(Birendra Kumar, J)

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