

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 23037 of 2018**

Arising Out of PS. Case No.-175 Year-2017 Thana- Warisnagar District- Samastipur

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Amar Kumar @ Amar Kumar Singh Son of Sri Sunil Kumar Singh Resident  
of village- Balahi, P.S. Warisnagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vinay Ranjan

For the Opposite Party/s : Mr. Madan Kumar

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2. 23-04-2018                      Heard Sri Vinay Ranjan, learned counsel for the  
petitioner and Sri Madan Kumar, learned Addl. Public  
Prosecutor.

The sole petitioner, apprehending his arrest in  
connection with Warish Nagar P.S. Case No. 175 of 2017  
registered for offence under Sections 420, 120(B), 34 of the  
Indian Penal Code and Section 30(e) of the Bihar Prohibition  
and Excise Act, 2016, has prayed for grant of bail in the event of  
his arrest or surrender.

Learned counsel for the petitioner has also drawn my  
attention to statement made in paragraph – 3 of the petition to  
show that petitioner is having clean antecedent. He further  
submits that it is a peculiar case, in which, a pick-up van of  
petitioner loaded with soft drink was initially seized by Sales



Tax Department under the Sales Tax Act, but no action was taken. Subsequently, the petitioner filed a criminal writ petition, vide Cr.W.J.C. No. 640 of 2017, for releasing the vehicle and goods. However, while criminal writ petition was pending, to the reasons best known to the Sales Tax Deptt., Police Deptt. and Excise Deptt., after about six months from the date of seizure, present F.I.R. was lodged, as if, soft drink, which was loaded on the pick-up van, was containing alcohol, which was in excess of permissible limit. It has also been argued that in similar circumstance, one of the F.I.R., vide Alamganj P.S. Case No. 46 of 2017, was quashed by a Bench of this Court, vide Cr.W.J.C. No. 627 of 2017. He further submits that during pendency of the criminal writ petition and after lodging of the F.I.R., petitioner has also filed an interlocutory application for quashing of the F.I.R., however, in the meanwhile, by order dated 05-01-2018 passed in Cr.W.J.C. No. 640 of 2017, a direction has already been issued to release the pick-up van.

Be that as it may, considering the nature of accusation, clean antecedent as well as the fact that criminal writ petition i.e. Cr.W.J.C. No. 640 of 2017 filed by the petitioner is already pending and in the said criminal writ petition, there is already direction to release of the vehicle, there



is no reason to refuse the prayer for grant of anticipatory bail of the petitioner.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Amar Kumar @ Amar Kumar Singh be enlarged 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 Special Judge, Excise, Samastipur in connection with Waris Nagar P.S. Case No. 175 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

**(Rakesh Kumar, J.)**

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