

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36220 of 2018

Arising Out of PS. Case No.-58 Year-2018 Thana- NOKHA District- Rohtas

Bal Bachan Singh @ Bal Bachan, son of Late Hari Singh, resident
of village- Sisirata, Police Station-Nokha, District-Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar -1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 28-06-2018 Heard Sri Rajani Kant Singh, learned counsel for the
petitioner and Sri Shailendra Kumar no.1, learned Addl. Public
Prosecutor.

The sole petitioner, having clean antecedent, which
fact has been stated in paragraph-3 of the petition, apprehending
his arrest in Nokha P.S. Case No.58 of 2018 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016, has prayed for grant of bail, in the event of his arrest
or surrender.

It was submitted by learned counsel for the petitioner
that nothing was recovered from the petitioner nor any reliable
material was brought on record in the present case. However, on
the strength of so called slip, on which name of the petitioner
and others was said to be mentioned, found on the truck, the



petitioner has been made accused. He submits that a truck lying near a line hotel was searched by the police, from which huge quantity of Indian Make Foreign liquor was recovered. Learned counsel for the petitioner submits that without any cogent material, the petitioner has been made accused.

Learned Addl. Public Prosecutor has opposed the prayer for grant of bail. He submits that during search of the truck, a slip was found, over which name of the petitioner and others was mentioned. Meaning thereby that the consignment had arrived only for distribution of liquor to the concerned persons, whose names were mentioned on the slip. On examination of the F.I.R., the Court is of the opinion that the petitioner's name has come without any corroborative evidence. Accordingly, there is no reason to refuse the prayer for anticipatory bail, particularly in view of the fact that the petitioner is having clean antecedent.

In the event of his arrest or surrender within six weeks from today, let the petitioner, namely, Bal Bachan Singh @ Bal Bachan 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 2nd Addl. District & Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram in



connection with Nokha P.S. Case No.58 of 2018, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

nawalkrs/-

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