

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35658 of 2018

Arising Out of PS. Case No.-70 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Vinit Kumar Singh @ Vinit Singh, S/o Narayan Singh, R/o Village-
Samaspura (but real R/o Village - Jahangirpur Salkhanni), P.S.- Mahua,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Smt. Rina Sinha

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 28-06-2018 Heard Smt. Rina Sinha, learned counsel for the
petitioner and learned Additional Public Prosecutor.

The sole petitioner, who is licensee of fruit juice,
apprehending his arrest in connection with C 2A 70 of 2017 ,
registered for the offence under Section 30(a) & 35(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 at the very outset
has drawn my attention to the order impugned whereby his
prayer for anticipatory bail was rejected by the learned
Additional Sessions Judge –II cum Special Judge, Vaishali at
Hajipur. She submits that on perusal of the impugned order it is
evident that till dismissal of anticipatory bail petition of the



petitioner enquiry report as to whether seized fruit juice was beer or not had not been received, even then, in perfunctory and hasty manner, Excise Officials have registered a case as if cognizable offence was committed. It has been argued that petitioner being licensee was selling fruit juice and unauthorizedly search was conducted on an allegation that petitioner was selling fruit beer in the name of fruit juice. It has been reiterated that without any report received as to whether the seized juice was beer or not, there was no reason to lodge a case showing as if cognizable offence was committed.

Learned Additional Public Prosecutor has opposed the prayer, however, he has not disputed the fact which has been noticed by the learned court below.

Since this court is hearing the prayer for grant of anticipatory bail, I am refraining to pass any adverse comment on the prosecution authority, however, considering the nature of accusation, the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let petitioner Vinit Kumar Singh @ Vinit 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 Addl. Sessions Judge – II cum Special Judge Vaishali at Hajipur / concerned court in connection with C 2A 70 of 2017 subject to the conditions as contemplated under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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