

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13032 of 2019

Arising Out of PS. Case No.-194 Year-2017 Thana- NAUTAN District- Siwan

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1. VIJAY PRATAP SINGH, Son of Om Prakash Singh Resident of Village - Chakrawa Tola, Prem Rai Pratappur, P.S.- Bankata, District - Dewaria
 2. Umrawati Singh W/o Abhijeet Singh, Resident of Village - Chakrawa Tola, Prem Rai Pratappur, P.S.- Bankata, District - Dewaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 04-07-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Nautan Police Station Case No. 194 of 2017, disclosing offences under Sections 272/273/308/34 of the Indian Penal Code and Section 30A, 38A, 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that the police party, while on petrolling duty near U.P.-Bihar border, saw a four-wheeler coming and upon seeing the police, they tried to flee away, but the police arrested one person and another person fled away from that place. It is alleged from the said vehicle, being



Registration No. UP 52T/4652, 72 litres of country made liquor and 17.280 litres of foreign liquor have been recovered. On search of the arrested person, the police recovered a transport permit of the year 2017-18, standing in the name of petitioner no. 2.

Learned Counsel for the petitioners submits that the petitioners have been falsely implicated in this case inasmuch as from the vehicle in question one person was arrested carrying the illicit liquor and with regard to petitioner no. 2, he submits that merely a transport permit standing in her name was recovered.

After having heard learned Counsel for the parties and taking into consideration the fact that the alleged vehicle belong to the petitioner no. 1, I am not inclined to grant him privilege of anticipatory bail. Accordingly, this application, so far as petitioner no. 1, namely, Vijay Pratap Singh, is concerned, is rejected.

So far as petitioner no. 2 is concerned, considering the fact that only a transport permit has been recovered standing in her name, no prima facie case under the provisions of the Excise Act is made out. Accordingly, this application so far as petitioner no. 2 is concerned, is allowed.



Let the petitioner no. 2, Umrawati Singh, in the event of her arrest or surrender before the Court below within four weeks, be released 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 Additional Sessions Judge -cum- Special Judge, Excise, Siwan, in connection with Nautan Police Station Case No. 194 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present herself before the police/Court, as the case may be, as and when required and in the event of failure on her part to appear before the Court on two consecutive occasions, her bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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