

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12113 of 2019

Arising Out of PS. Case No.-554 Year-2018 Thana- MINAPUR District- Muzaffarpur

CHITRANJAN KUMAR SINGH, Son of Late Horil Singh, Resident of
Village- Kisunpur Narwara, P.S.- Tariyani, District- Sheohar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 27-02-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Minapur Police Station Case No. 554 of 2018, disclosing offences under Sections 30(a), 38, 41 and 48 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The police are said to have recovered huge quantity of illicit foreign liquor loaded in a truck. Adjacent to the place where the said truck was parked, one pick-up van was also found parked, which, admittedly, belongs to the petitioner.

Learned Counsel appearing on behalf of the petitioner, referring to the First Information Report and the



seizure list, has submitted that he has been named in the First Information Report only on the ground that he is the owner of the pick-up van, which was found parked near the truck from which the police recovered huge quantity of illicit liquor. He contends that the petitioner's implication is, apparently, on the basis of a wild suspicion that there was an attempt to offload the illicit liquor from the truck to be carried through the petitioner's pick-up van. He submits that in the absence of any recovery from the petitioner's pick-up van of any incriminating material to connect recovery of illicit liquor with the petitioner's pick-up van, no case can be said to be made out under the provisions of the Act against the petitioner.

I am, *prima facie*, satisfied with the submission so advanced on behalf of the petitioner that no offence under the provisions of the Act, based on the case of the prosecution, is made out.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six 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 Special Judge (Excise), Muzaffarpur, in



connection with Minapur Police Station Case No. 554 of 2018, 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 himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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