

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20819 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Kishna Singh @ Krishna Singh, Son of Sitaram Singh, Resident of Village-
Bedi Ban Madhuban, P.S.-Pipra, District-East Champaran, Motihari.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case is the informant being S.I., of Excise received a secret information, whereupon, a raid was laid and 36 litres of Indian Made Foreign Liquor and 500 litres of spirit were recovered from the hutment of the petitioner. It is further alleged that the petitioner and his son after seeing the police personnel, escaped from the scene.

It is submitted by learned counsel for the petitioner that the only on the basis of suspicion, the accusation has been levelled against the petitioner. It is further submitted that the said



hutment does not belong to the petitioner, statement to that effect has been made in paragraph no.5 of the supplementary affidavit of the petition, which reads as follows:-

“5. That the petitioner is not concern to the alleged hut.”

A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the hutment of the petitioner.

Considering the rival submission of the petitioner, let the petitioner above named be released on provisional anticipatory bail for one month in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Special Judge, Excise Act, East Champaran** in connection with **Excise Case No.04 of 2019** subject to the conditions laid down in Section 438(2) of the Cr.P.C.

However, learned Court below will verify whether the hutment in question belongs to the petitioner or not and if it is found that the hutment in question does not belong to the petitioner, then provisional bail of the petitioner will be



confirmed, however, if it is found that the hutment in question belongs to the petitioner then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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