

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18647 of 2019**

Arising Out of PS. Case No.-62 Year-2019 Thana- LAKHISARAI District- Lakhisarai *

BHIKHARI SINGH @ MRITYUNJAY SINGH, Son of Gorelal Singh,
Resident of Village-Salauna Chak, P.S-Lakhisarai, District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mrs. Sangeeta Sharma

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 28-03-2019 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and under Sections 30(a) and 32(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of Matiur Rahman being, S.I. of Lakhisarai P.S. submitted to the S.H.O. Lakhisarai P.S. is to the effect that on 22.01.2019 at about 09.30 A.M., the informant received a secret information that the petitioner was storing illicit liquor in the abandoned building of



Electric Department. Consequently, a raid was laid and on seeing the police party, two persons started fleeing away from the scene. It is further alleged that from the abandoned building of Electric Department, 1288.800 litres of illicit Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that admittedly the recovery has been made from the premises of abandoned building of Electric Department hence, it cannot be treated from the conscious physical possession of the petitioner. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation is specific against the petitioner of storing illicit liquor in the abandoned building of Electric Department.

Considering the fact that the accusation does not suggest recovery from the conscious physical possession of the petitioner, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the



like amount each to the satisfaction of the learned **Additional District and Sessions Judge II-cum-Special Judge Excise, Lakhisarai**, in connection with **Lakhisarai P.S. Case No.62 of 2019**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/-

U		T	
---	--	---	--

