

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27690 of 2019

Arising Out of PS. Case No.-580 Year-2018 Thana- BARAUNI District- Begusarai

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Pankaj Kumar Singh @ Pankaj Singh Son of Baleshwar Singh Resident of
Village - Bihat, Tola- Khemkaranpur, Ward No.16, P.S.- Barauni (FCI), Distt.-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 30-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Barauni (FCI) P.S. Case No. 580 of 2018 registered for the
offence punishable under Section 30(a) of Bihar Prohibition &
Excise Act-2016.

63 lts. of foreign liquor is said to have been
recovered from the cattle house of Chandan Singh located
behind his house and he was apprehended while petitioner
managed to escape, who is named in the occurrence by said
accused.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. He has no concern either



with the seized liquor or with the place of recovery or with any trade of liquor. There is nothing on record indicating the complicity of the petitioner in the occurrence barring the disclosure made by Chandan Singh due to animosity which has no evidentiary value in the eye of law, hence, no offence under Excise Act is made out against the petitioner. Petitioner has no criminal antecedent.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 learned Addl. Sessions Judge-III-cum-Special Judge, Excise Act, Begusari in connection with Barauni (FCI) P.S. Case No. 580 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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