

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33665 of 2019

Arising Out of PS. Case No.-115 Year-2018 Thana- AANDAR District- Siwan

KRISHNA SINGH Son of Ashok Kumar Singh Resident of Village - Rataua
Bujurg, P.S.- Darauli, District- Siwan. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara

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

ORAL ORDER

3 08-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 120 B, 420, 201, 272, 273 & 308 of the Indian Penal Code and Section 30 (a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

302.400 liters of foreign liquor is said to have been recovered from the Scorpio vehicle and its driver managed to escape. As per tip off the said liquor was being transported by the petitioner and seven other named accused persons for vending it to the local retailers.

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



concern either with the seized liquor or with the vehicle in question or any trade of liquor. The identity and genuineness of the source of information has not been written in the written report. There is violation of Section 100 Cr.P.C. There is nothing cogent on the record indicating the complicity of the petitioner in the occurrence. No offence under Excise Act is made out against the petitioner.

Learned APP for the State opposed the bail petition.

Having regard to 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 the learned Additional Sessions Judge-II-Special Judge (Excise), Siwan in connection with Ander P.S. Case No. 115 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Trivedi/-

(Prakash Chandra Jaiswal, J)

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