

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39577 of 2019

Arising Out of PS. Case No.-123 Year-2019 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. BINDA SINGH Son of Late Sukhlal Prasad @ Sukhal singh R/O- Village- Tarwara, Kurm Tola, P.S.- G.B. Nagar, District- Siwan.
 2. Bhuali Singh @ Bhuwali Singh Son of Binda Singh R/O- Village- Tarwara, Kurm Tola, P.S.- G.B. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Sucheta Yadav

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 03-07-2019 At the very outset, learned counsel for the petitioners submits that the petitioner no.1, namely, Binda Singh, has already been arrested by the police in this case and, as such, this application in respect of the petitioner no.1 has become infructuous.

In that view of the matter, learned counsel for the petitioners seeks permission to withdraw this application in respect of the petitioner no.1, above named.

Permission is accorded.

This application in respect of the petitioner no.1, above named, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely,



Bhuali Singh alias Bhuwali Singh, for grant of pre-arrest bail is being considered.

Heard.

The petitioner no.2, namely, Bhuali Singh alias Bhuwali Singh, apprehends his arrest in connection with G.B. Nagar P.S. Case No.123 of 2019 registered under Sections 30(A), 36, 38 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that on receiving secret information about doing the illegal business of Indian Made Foreign Liquor by Binda Singh (petitioner no.1) and his son Bhuali Singh (petitioner no.2) at Baaswari, situated behind Shankar Hardware, Tarwara, the police along with other police personnel reached at about 09.20 P.M. on 14.05.2019 there. On seeing the police party, two persons succeeded to flee away from Baaswari. The local Chowkidars, namely, Gajendra Yadav and Awadhesh Yadav disclosed the name of the persons, who succeeded to flee away, as Binda Singh (petitioner no.1) and Bhuali Singh (petitioner no.2). On search of Baaswari, 192 pouches, each containing 180 ml. Indian Made Foreign Liquor, kept in four cartoons, and 48 pouches, each containing 180 ml. Indian Made Foreign Liquor, kept in one another cartoon, concealed in the



paddy straw were recovered.

Learned counsel for the petitioner no.2, namely, Bhuali Singh alias Bhuwali Singh, submits that the petitioner no.2, above named, was not apprehended on the spot rather his name has been disclosed by the local Chowkidars due to dirty village politics. While the petitioner no.2, above named, is accused in one more case, as detailed in paragraph-3 to this application, but in that case, he is on bail.

Having considered the facts and the circumstances of the case, let the petitioner no.2, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan, in connection with G.B. Nagar P.S. Case No.123 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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