

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41354 of 2019

Arising Out of PS. Case No.-26 Year-2019 Thana- MUFFASIL District- Aurangabad

Bharat Singh, Son of Late Ramdahin Singh, Resident of Village-Bharwar,
P.S.-Muffasil, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Muffasil Police Station Case No. 26 of 2019, disclosing offences under Section 30 (a) of the Bihar Prohibition and Excise Act 2016.

The allegation against the petitioner is that when his son was coming on a motorcycle, he was intercepted by the police and 13.680 liters of illicit liquor was recovered from motorcycle. It is alleged that the motorcycle belongs to the petitioner.

Learned Counsel for the petitioner submits that son of the petitioner was coming on the motorcycle owned by the petitioner and there is no recovery from the conscious



possession of the petitioner inasmuch as his son along with illegal liquor was arrested by the police and upon perusal of the FIR, no prima facie case is made out under the provisions of Bihar Prohibition and Excise Act 2016 against the petitioner.

After having heard learned Counsel for the parties and taking into consideration the fact that no recovery of illegal liquor has been made from the conscious possession of the petitioner, I find it a fit case for grant of privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Bharat Singh, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge VII – cum-Special Judge (Excise), Aurangabad, in connection with Muffasil Police Station Case No. 26 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail



bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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