

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49778 of 2019

Arising Out of PS. Case No.-135 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

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TRIPURARI SINGH @ TRIPURARI KUAMR SINGH, Son of Ajay Singh
Resident of Village -Gulab Patty, P.S.- Sahebganj, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Ms.Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Sahebganj Police Station Case No. 135 of 2019, disclosing offences under Sections 290/272/273/34 of the Indian Penal Code and Sections 30(a)/36/37(b) (c)/38(II) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that the police arrested two persons, namely, Munna Kumar and Horil Mahto, who were in drunken condition, and upon search, one bottle of 375 ML of illicit liquor was recovered from the possession of each of them. Upon enquiry, those persons disclosed that illicit liquor was given to them by the petitioner.



Learned Counsel for the petitioner submits that the petitioner is innocent and has not committed any offence under the provisions of the Excise Act inasmuch as from perusal of the First Information Report, it would be evident that the illicit liquor has been recovered from the two arrested persons and the only allegation against this petitioner is that the illicit liquor was given to the arrested person by this petitioner. He further submits that no recovery has been made from the conscious possession of the petitioner or from the premises/vehicle belonging to the petitioner and as such, no *prima facie* case is made out against the petitioner under the provisions of the Excise Act upon perusal of the First Information Report. Insofar as the antecedent of the petitioner is concerned, he submits that in one case, his name has been removed by the police and in second case, he has been granted bail. However, in the third case, the prayer for bail of the petitioner has been rejected.

After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor has not been recovered from the conscious possession of the petitioner and the same has been recovered from the possession of the arrested persons, who were found in drunken condition, I am inclined to grant the petitioner privilege of anticipatory bail.



Accordingly, this application is allowed.

Let the petitioner, Tripurari Singh @ Tripurari Kumar 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 Special Judge, Excise, Muzaffarpur, in connection with Sahebganj Police Station Case No. 135 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.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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