

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46677 of 2019

Arising Out of PS. Case No.-334 Year-2019 Thana- SARAIYA District- Muzaffarpur

AJIT SINGH Son of Shashi Bhushan Prasad Singh @ Shashi Bhushan Singh
Resident of Village - Basantpur Patti, P.S.- Saraiya, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Shantanu Kumar

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

ORAL ORDER

3 21-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with Saraiya P.S. Case No.334/2019 registered for the offence punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Sections 30(a), 32(ii), 38(ii), 41(i) of Bihar Prohibition and Excise Act, 2016.

Huge quantity of foreign liquor is said to have been recovered from the truck, pick up van and A.C. Majik vehicle during course of unloading at the bank of pond of Upendra Rai. As per the spy, the said liquor was brought there by 12 accused persons including the petitioner.

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 been falsely implicated in the case by the informant at the instance of his enemy. He has no concern either with the seized liquor or with the vehicle in question or with any trade of liquor. Identity and genuineness of source of information has not been mentioned in the FIR, 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 petitioners.

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 Special Judge, Excise Act, Muzaffarpur in connection with Saraiya P.S. Case No.334 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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