

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45048 of 2019

Arising Out of PS. Case No.-120 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

Rajiv Singh Son of Satish Singh @ Munna Singh Resident of Village -
Paharpur Chhangur, P.S.- Kuchaikote, Distt - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-07-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection
with Kuchaikote P.S. Case No. 120 of 2019, registered under
Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per FIR, is
that on confidential information the police reached near place of
occurrence and found that four persons were standing with two
bags under a Mahua tree at Chawar. It has been further alleged
that upon seeing the police party, persons started fleeing away.
While three persons succeeded in escaping, one person was
arrested by the police and police recovered a total quantity of
46.88 liters of illicit liquor, kept under Mahua tree.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated, on the
basis of statement of the co-accused. Learned counsel further



submits that no recovery has been made from conscious possession or premises of the petitioner and from perusal of seizure list, it appears that illicit liquor has been recovered kept under Mahua tree, which does not belong to the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that the no recovery of illicit liquor has been made from the conscious possession or the premises of the petitioner and from perusal of seizure list, it appears that no *prima facie* case is made out, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Gopalganj in connection with Kuchaikote P.S. Case No. 120 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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