

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46507 of 2019

Arising Out of PS. Case No.-101 Year-2019 Thana- KARAKAT District- Rohtas

NEERAJ KUMAR @ NIRAJ KUMAR SINGH Son of Pramod Singh
Resident of Village- Burhawal, P.S.- Karakat, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Karakat Police Station Case No. 101 of 2019, disclosing offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The allegation against the petitioner, as per the First Information Report, is that the Police, upon secret information that one Rajnish @ Gariba is indulged in selling illicit liquor, reached near the place of occurrence and saw two persons fleeing way, but the Police arrested one person, namely, Rajnish Prasad and recovered 288.400 litres of illicit liquor from the vacant land of one Ramji Singh.

Learned Counsel for the petitioner submits that the



petitioner's name has transpired on the basis of the disclosure made by the co-accused. He further submits that the police has falsely implicated this petitioner inasmuch as there is no recovery of illicit liquor from either the premises of the petitioner or from his conscious possession. He further submits that from perusal of the First Information Report and the seizure list, no *prima facie* case is made out against this petitioner. Pertaining to the criminal antecedent, he submits that the petitioner has already been granted anticipatory bail by this Court.

After having heard learned Counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered either from the premises of the petitioner or from his conscious possession, as such, on perusal of the First Information Report and seizure list, in my opinion, no *prima facie* case is made out against the petitioner under the provision of the Act. Accordingly, this application is allowed.

Let the petitioner, Neeraj Kumar @ Niraj 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 2nd Additional



Sessions Judge -cum- Special Judge, Excise, Rohtas, at Sasaram, in connection with Karakat Police Station Case No. 101 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.)

Prabhakar Anand/-

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