

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46199 of 2019

Arising Out of PS. Case No.-288 Year-2019 Thana- HAJIPUR District- Vaishali

SANJEEV SINGH @ SANJEEB KUMAR @ BHULLA Son of Ganesh
Singh Resident of Village - Nawada, P.S.- Ganga Bridge, At present P.S.-
Industrial Area, Distt - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-07-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 30(a), 32(2), 38 of the Bihar Prohibition & Excise Act, 2016 (for short 'the Prohibition Act') registered in connection with Hajipur Town P.S. Case No. 288 of 2019.

3. It is submitted that the petitioner has been falsely implicated and even on bare perusal of the First Information Report the only accusation made against the petitioner is the statement of the labourers who were unloading the cartons of wine from the truck and reloading on the pick-up van that the goods were meant for delivery to four persons including the petitioner. It is submitted that such accusation alone does not constitute any offence under the Prohibition Act inasmuch as, there is no material to indicate that the petitioner had got the goods in question. The petitioner claims clean antecedents.

4. Learned APP has not pointed out any material in the FIR which attract the provisions of the Prohibition Act, 2016.

5. Ordinarily, an anticipatory bail petition in relation to the offence under the Prohibition Act is not maintainable. However, where, on the basis of the statements in the first information report, the ingredients



of the offence alleged against a person are not made out, as observed by a Division Bench of this Court in Cr. Misc. No. 21578 of 2017 (Manish Kumar @ Lokesh Kumar vs. The State of Bihar) and analogous cases, there would be no bar to the grant of anticipatory bail.

6. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 288 of 2019 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioner.

ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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