

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46541 of 2019

Arising Out of PS. Case No.-174 Year-2019 Thana- TARAIYA District- Saran

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1. Dhiraj Kumar Singh, Son of Late Shankar Singh Resident of Village - Sareya Basant, P.S.- Taraiya, District- Saran (Chapra)
 2. Ranjan Kumar Singh, Son of Vijay Singh Resident of Village - Sareya Basant, P.S.- Taraiya, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-07-2019 After some argument, learned counsel for the petitioners seeks permission to withdraw this application for petitioner No.1.

Accordingly, this bail application is dismissed as withdrawn as against petitioner No.1.

Insofar as petitioner No.2 is concerned, the petitioner No.2 apprehends his arrest in connection with Taraiya P.S. Case No.174 of 2019 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioner No.2, as per the First Information Report is that police upon secret information raided the hut of Dhiraj Kumar Singh and recovered total quantity of



498.375 litres of illicit liquor from that hut. The name of the petitioner No.2 transpired as the police alleged that while seeing the police party, he fled from the spot and his name has been disclosed by the co-villagers.

Learned counsel for the petitioner No.2 submits that the petitioner No.2 has falsely been implicated in this case inasmuch as no recovery of illicit liquor has been made from the premises belonging to the petitioner or his conscious possession. He further submits that the name of the petitioner No.2 has been disclosed by the co-villagers and the petitioner No.2 has got no criminal antecedent. As such, from perusal of the First Information Report and the seizure list, no prima facie case is made out against petitioner No.2.

After having heard learned counsel for the petitioner No.2 as well as learned counsel appearing on behalf of the State and taking into consideration the fact that no illicit liquor has been recovered from the possession or the premises of the petitioner No.2, as such, I am inclined to grant anticipatory bail to petitioner No.2.

Accordingly, the petitioner No.2, namely, Ranjan Kumar Singh, is directed to surrender before the learned Court below within a period of four weeks from today and in the event



of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-9th-cum-Special Judge, Excise, Chapra, District-Saran, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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