

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49846 of 2019**

Arising Out of PS. Case No.-172 Year-2019 Thana- JAGDISHPUR District- Bhojpur

SANTOSH SINGH @ CHULHAN SINGH Son of Brija Singh Resident of
Village-Narayanpur, Police Station-Jagdishpur, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Md. Nazir Ansari

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 09-08-2019 The petitioner apprehends his arrest in connection with Jagdishpur P.S.Case No. 172 of 2019 registered under Section 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioner, as per FIR, is that police, upon secret information that petitioner was indulged in preparing illicit liquor, raided the place and upon seeing the police party, petitioner fled away from near the bank of river of village Shohaban Tola and recovered 14 litres country made liquor, gas cylinder, stove etc. near the river.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to village Chaukidar who has wrongly given the name of the petitioner to the police and further the petitioner has got no criminal antecedent. Learned counsel further submits that petitioner has been running



a cloth shop in the name and style of Kamla Vastralaya. He further submits that no recovery of illicit liquor or equipment has been made from the conscious possession or the premises belonging to the petitioner and from perusal of FIR as well as seizure list, no *prima facie* case under the Act is made out against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no illicit liquor or equipment has been recovered from the conscious possession of the petitioner or the premises belonging to the petitioner as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, 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 Additional District Judge-IV, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 172 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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