

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49776 of 2019

Arising Out of PS. Case No.-57 Year-2019 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Rohit Kumar, Son of Hare Ram Singh Resident of Village - Naokothi, P.S.-
Naokothi, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Naokothi P.S. Case No.57 of 2019 for the offence punishable
under Section 30(a) of the Bihar Excise Act, 2016.

The allegation against the petitioner as per the First
Information Report is that police on secret report proceed
towards PACS godown of Krishna Mahto and recovered a total
quantity of 1192 litres of illicit IMFL from the room situated
inside the godown.

Mr. Suresh Pandey, learned counsel appearing for the
petitioner submits that petitioner has falsely been implicated in
this case due to village politics and oblique motive by police



inasmuch as the petitioner had earlier lodged a Sanha before the Court of CJM, Begusarai on 07.11.2017 stating therein that there was a possibility of false implication of the petitioner by the police due to vested interest.

Learned counsel further submits that the recovery of illicit liquor has been made from the godown not belonging to the petitioner and from perusal of the FIR as well as seizure list, it would be evident that the same has been recovered from the godown of one Krishna Mahto. As such, no prima facie case against the petitioner under the Excise Act is made out upon perusal of the FIR and seizure list.

After having heard learned counsel for the petitioner 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 conscious possession of the petitioner or the premises belonging to the petitioner and further that petitioner has no criminal antecedent relating to the offence under the Excise Act, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, 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
Addl. Sessions Judge-II-cum-Special Judge, Begusarai, subject
to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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