

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47754 of 2019

Arising Out of PS. Case No.-39 Year-2018 Thana- MAHISHI District- Saharsa

RAHUL SINGH @ RAHUL KUMAR SINGH Son of Karo Prasad Singh
Resident of Village- Barail, Police Station- Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-07-2019 The petitioner apprehends his arrest in connection with Mahishi P.S.Case No. 39 of 2018 registered under Sections 30(a) and 37(b) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioner, as per FIR, is that police intercepted a Scorpio vehicle and recovered a total quantity of 50 litres illicit foreign liquor from inside the vehicle and arrested two persons and they disclosed the name of petitioner in their statement made before the police.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. Referring to para-5 of this application, he submits that Scorpio vehicle, which was seized by the police, does not belong to the petitioner and he has got no concern with the illicit liquor seized by the police and



due to oblique motive, the police has implicated this petitioner falsely. Accordingly, learned counsel submits that 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 recovery has been made from the possession of the petitioner or from the vehicle 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 Sessions Judge-II-cum-Special Judge, Excise, Saharsa in connection with Mahishi P.S. Case No. 39 of 2018; 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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