

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47802 of 2019

Arising Out of PS. Case No.-133 Year-2019 Thana- MOTIPUR District- Muzaffarpur

Shambhu Singh, Son of Late Devnandan Singh Resident of Village-
Senduaari GajSingh, Ward No. -12, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Motipur P.S. Case No.133 of 2019, G.R. No.539 of 2019 for the
offence punishable under Sections 30(a), 38(1)(2), 41(1) of
Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as mentioned in
the FIR is that the police raided the house of the petitioner and
two persons were coming out from that house, upon seeing the
police party, they tried to flee away. One person succeeded in
fleeing away, however, one accused person was caught who
disclosed the name of this petitioner. The police recovered a
total quantity of 41.25 litres of illicit liquor from the house of
Amit Kumar Singh, i.e., co-accused.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated on the basis of statement made by arrested co-accused. He further submits that from perusal of the seizure list, it appears that place from where the illicit liquor has been recovered belongs to Amit Kumar Singh. Learned counsel, accordingly, submits that from perusal of the First Information Report and the seizure list, it is apparent that no illicit liquor has been recovered from the possession or the premises of the petitioner and accordingly, no prima facie case is made out against the petitioner.

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 recovery has been made from the conscious possession of the petitioner or premises belonging to the petitioner inasmuch as from the seizure list, it appears that liquor has been recovered from the house of Amit Kumar Singh, as such, I am inclined to grant anticipatory bail to all these petitioners.

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 Spl. Judge Excise, Muzaffarpur, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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