

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47820 of 2019

Arising Out of PS. Case No.-99 Year-2019 Thana- BUXAR RAIL P.S. District- Bhojpur

OM PRAKASH SINGH Son of Late Lalan Singh Resident of Village -
Govindpur, Post Kesath, P.S.- Kesath, Distt - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-08-2019 The petitioner apprehends his arrest in connection with Rail Buxar P.S.Case No. 99 of 2019 (Excise Case No. 1208 of 2019) registered under Section 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred to as the ‘Act’).

Allegation against the petitioner is that the police party, while checking at the platform, intercepted one person coming out of train having bags in his hand and when he was stopped, he became angry and threw bags in front of the police. It has further been alleged that when the police party started checking the bags that person fled away from the spot. The police tried to chase but he succeeded in fleeing away. According to FIR, the person who fled away was a police constable in Excise Department. However, the police seized total quantity of 19 litres illicit liquor from the bags which was seized by the police.

Learned counsel for the petitioner submits that petitioner is innocent having no criminal antecedent and he has falsely been



implicated by the police with oblique motive. Learned counsel further submits that no recovery has been made from the conscious possession of the petitioner and he has not committed any offence in the manner alleged. He further submits that from perusal of FIR and the 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 recovery has been made from the possession of the petitioner and the petitioner has got no criminal antecedent 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 4th Addl. Sessions Judge-cum-Special Judge, Excise, Bhojpur at Ara in connection with Rail Buxar P.S. Case No. 99 of 2019 (Excise Case No. 1208 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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