

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48901 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- MUSRIGHRARI District- Samastipur

VINAY KUMAR SINGH Son of Muneshwar Singh Resident of Village -
Fatehpur Nasi, P.S.- Musrigharari, Distt - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory bail in connection with Musrigharari P.S. Case No. 48 of 2019 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act.

As per the first information report, the Police raided Banshbhatti of co-accused Bablu Kumar Singh from where huge quantity of illicit liquors were recovered.

Learned counsel for the petitioner submits that in the FIR the name of the petitioner has been mentioned as one of the persons against whom secret information was received about bringing the huge quantity of illicit liquor and for that reason only the petitioner has been made accused.



Learned counsel has pointed out from the seizure list that the entire recovery is from the Bansbhitti of Bablu Kumar Singh and there is no other material to connect this petitioner with the present case.

Learned APP does not dispute the aforesaid position.

In the facts and circumstances of the case, where it appears that even the learned Additional Sessions Judge-cum-Special Judge, Excise, Samastipur while rejecting the prayer for anticipatory bail of the petitioner has wrongly recorded that the liquor has been recovered from the house of the petitioner whereas from the seizure list it is evident that the liquors were recovered from the Bansbhitti of Bablu Kumar Singh the co-accused and not from the house of this petitioner and further that the petitioner has no criminal antecedent, let the petitioner above named in case of his arrest or surrender within a period of four weeks from today in connection with Musrigharari P.S. Case No. 48 of 2019 be released on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned II Additional Sessions Judge-cum- Special Judge, Excise, Samastipur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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