

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49774 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

Arbind Kumar Singh @ Arbind Kumar @ Arbind Singh, Son of Birendra
Singh Resident of Village - Karjpura, P.S.- Itadhi, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey
For the Opposite Party/s : Mr.Akbar Ali

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
Buxar (M) P.S. Case No.05 of 2019 for the offence punishable
under Sections 272, 273 of the Indian Penal Code and Section
30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as mentioned in
the FIR is that police upon secret information that petitioner and
others were indulged in hiding liquor, raided the place of
occurrence and recovered a total quantity of 2324.37 litres of
illicit liquor from Khalihan of three persons, namely,
Baidyanath Shau, Haribans Kuswaha, Shyam Bihari Singh.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated on the basis of some



information allegedly received by the police. It has further been submitted that no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioner, as would be evident from the FIR and seizure list itself. As such, the submission is that no prima facie case against the petitioner is made under Excise Act.

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 illicit liquor has been recovered from the possession and Khalihaan of co-accused and not from the possession of the petitioner, 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 ADJ-II-cum-Spl. Judge (Excise), Buxar, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

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(Anil Kumar Sinha, J)

