

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50755 of 2019

Arising Out of PS. Case No.-170 Year-2019 Thana- ALOULI District- Khagaria

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DINESH SINGH Son of Late Ram Sevak Singh Resident of Haripura Nista,
P.S.- Alauli, Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Singh

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-08-2019 The petitioner apprehends his arrest in connection with Alauli P.S.Case No. 170 of 2019 registered under Sections 30, 30(a), 30(b) and 30(c) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioner is that the police upon secret information that illicit liquor was being prepared, proceeded toward the place of occurrence and raided the place in which two persons were arrested and one person had succeeded in fleeing away. The arrested persons disclosed the name of the petitioner and others. The police recovered a total quantity of 25 litres illicit Mahua liquor from the bamboo field.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as petitioner was not present at the place of occurrence which is an open field having bamboo trees over there and the name of the petitioner



has been implicated on the basis of statement made by the arrested co-accused persons. Learned counsel submits that bamboo field does not belong to the petitioner and illicit liquor has been recovered from the place not belonging to the petitioner. 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 the place 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 Special Judge, Excise, Khagaria in connection with Alauli P.S. Case No. 170 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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