

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50143 of 2019

Arising Out of PS. Case No.-152 Year-2019 Thana- MAIRWAN District- Siwan

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SAURABH KUMAR SINGH @ SAURABH SINGH @ CHHOTU SINGH,
S/o- Santosh Singh Resident of Village- Hanumanganj, Titara, P.S.- Mairwa,
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akshay Lal Pandit

For the Opposite Party/s : Mr.Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Mairwa Police Station Case No. 152 of 2019, disclosing offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that on the secret information, the police raided the house of the petitioner and upon seeing the police, two persons tried to flee away, but they were caught by the police, who disclosed their names as Vishal Singh and Subham Singh and upon search of the house, the police recovered 18 litres of illicit liquor adjacent to the house, kept in a hayrick



(Bhusawal).

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as two brothers of the petitioner have been arrested by the police from the spot and further the illicit liquor has not been recovered from inside the house, on the contrary, the same has been recovered adjacent to the house kept in a heap of paddy (Bhusawal). He further submits that the recovery has been made from open space and as such, no *prima facie* case is made out against the petitioner under the provisions of the Excise Act.

After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor has not been recovered from inside the house of the petitioner and the same has been recovered from open space and two brothers of the petitioner have already been arrested and the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Siwan, in connection with Mairwa Police Station Case No. 152 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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