

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50690 of 2019

Arising Out of PS. Case No.-369 Year-2019 Thana- TURKAULIYA District- East
Champaran

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SANJEET SINGH Son of Darshan Singh Resident of Village- Shankar
Saraiya, Babu Tola, P.S.- Turkaulia, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyesh Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Turkauliya Police Station Case No. 369 of 2019,
disclosing offences under Sections 30 (a), 35 (a), 38 (1), 38 (2),
41 (1) 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 that the
petitioner along with others were engaged in the storage of illicit
liquor, the police proceeded towards the place of occurrence and
upon seeing the police, the petitioner fled away from the place
of occurrence and the police recovered 1181 litres of illicit
liquor from the Goddess Durga Temple.



Learned Counsel for the petitioner submits that the petitioner is innocent, having no criminal antecedent. He further submits that he is being dragged in this case based upon the secret information allegedly received by the police. He further submits that the recovery of illicit liquor has not been made from the premises belonging to the petitioner or from the conscious possession of the petitioner 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 the premises belonging to the petitioner 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, Sanjeet Kumar, 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 9th Additional Sessions Judge -cum- Special Judge, Excise, East Champaran, at Motihari, in connection with Turkauliya Police Station Case No. 369 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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