

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51353 of 2019

Arising Out of PS. Case No.-166 Year-2019 Thana- PATAHI District- East Champaran

Chandraket Singh, Son of Late Gangeshwar Singh Resident of Village -
Khutauna, P.S.- Patahi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Patahi P.S. Case No.166 of 2019 for the offence punishable
under Sections 30(a), 37(d), 38, 41 of Bihar Prohibition and
Excise Act, 2016.

The allegation against the petitioner, as mentioned in
the FIR is that the police based upon secret information
proceeded towards the place of occurrence and upon seeing the
police party, all the accused persons left the motorcycle and
bamboo clump, from where the police has seized a total quantity
of 10.5 litres of illicit liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in this case



inasmuch as no illicit liquor has been recovered from the conscious possession or the vehicle belonging to the petitioner. Learned counsel further submits that the petitioner is not the owner of the motorcycle and has no concern with the bamboo clump as alleged. Learned counsel further submits that on the basis of some information, his name has been dragged in the present case. Accordingly, the submission is that no prima facie case under the Excise Act is made out upon perusal of the First Information Report and seizure list.

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 not been recovered from the possession or the vehicle belonging to 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 9th Addl. Sessions Judge-cum-Special Judge, Excise, East



Champaran at Motihari, subject to the condition as mentioned
under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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