

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56580 of 2019

Arising Out of PS. Case No.-124 Year-2019 Thana- MIRGANJ District- Gopalganj

SUJIT KUMAR SINGH @ PINKU SINGH Son of Late Baleshwar Singh
Resident of Village - Kharagi Chhap, Chhapmathiya, P.S.- Mirganj, Dist.-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : Mr.Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-09-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Mirganj Police Station Case No. 124 of 2018, disclosing offences under Sections 272/273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that the police, after getting a secret information that the petitioner, along with others, was indulged in sale of illicit liquor near Panchayat Bhawan, proceeded towards the place of occurrence and on seeing the police, the accused persons fled away. The police recovered 18 litres of illicit liquor from near the Panchayat Bhawan and the accused



persons, including the petitioner, were identified by the local residents.

Learned Counsel for the petitioner submits that the petitioner has no criminal antecedent and no illicit liquor has been recovered from the conscious possession of the petitioner or the premises belonging to the petitioner, and as such, no *prima facie* case under the provisions of the Excise Act is made out against the petitioner.

After having heard learned Counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner or the premises belonging to the petitioner and the petitioner has no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

Accordingly, this application is allowed.

Let the petitioner, Sujit Kumar Singh @ Pinku Singh, 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, Gopalganj, in connection with Mirganj Police Station Case No. 124 of 2018, 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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