

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55000 of 2019

Arising Out of PS. Case No.-105 Year-2019 Thana- PATEPUR District- Vaishali

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BHIKHARI SINGH @ SURENDRA SINGH Son of Late Ganesh Singh
Resident of Village - Maudah, P.S.- Patepur, Distt - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Rina Sinha

For the Opposite Party/s : Mr.Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-08-2019 The petitioner apprehends his arrest in connection with Patepur P.S.Case No. 105 of 2019 registered under Section 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioner is that police upon secret information raided the newly constructed house of the petitioner and recovered a total quantity of 384.300 litres foreign liquor from the house of the petitioner.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as from perusal of FIR as well as seizure list, it appears that illicit liquor has been recovered from the under constructed house of the petitioner and in the seizure list in the column of description of seized property, it is specifically written that police recovered illicit liquor from under constructed house of the petitioner and from perusal of FIR, it is evident that nobody was found inside the said house which



was raided by the police and petitioner has got no criminal antecedent. 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 from seizure list, it is apparent that illicit liquor has been recovered from under constructed house of the petitioner in which nobody was found present and petitioner has got no criminal antecedent 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 Addl. Sessions Judge-cum-Excise Court, Vaishali at Hajipur in connection with Patepur P.S.Case No. 105 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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