

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59841 of 2019

Arising Out of PS. Case No.-324 Year-2019 Thana- CHIRAIYA District- East Champaran

1. RANDHIR SINGH @ RANDHIR KUMAR Son of Satendra Singh @ Satendr singh Resident of Village - Chamahi, P.S.- Sikarganj, District- East Champaran
2. Chhotu Singh Son of Satendra Singh @ Satendr singh Resident of Village - Chamahi, P.S.- Sikarganj, District- East Champaran
3. Miku Singh Son of Bashisth Singh Resident of Village - Chamahi, P.S.- Sikarganj, 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.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 24-09-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 272, 273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition & Excise Act, 2016 (for short 'the Prohibition Act') registered in connection with Chiraiya (Sikarganj) P.S. Case No. 324 of 2019.

3. It is submitted that the petitioners have been falsely implicated in connection with recovery of 26.700 litres of foreign liquor. It is submitted that even on perusal of the FIR, no accusation has been made against the petitioners in order to attract the offence alleged under the Prohibition Act as the alleged recovery was made from outside the house, without however connecting the place of



recovery or the said goods to the petitioners in any manner whatsoever. A specific stand has been taken in para 6 of the petition that the petitioners have no concern with the seized articles or the garden from where the recovery of the offending goods was made. The petitioners claim clean antecedents.

4. Ordinarily, an anticipatory bail petition in relation to the offence under the Prohibition Act is not maintainable. However, where, on the basis of the statements in the first information report, the ingredients of the offence alleged against a person are not made out, as observed by a Division Bench of this Court in Cr. Misc. No. 21578 of 2017 (Manish Kumar @ Lokesh Kumar vs. The State of Bihar) and analogous cases, there would be no bar to the grant of anticipatory bail.

5. Learned APP has not pointed out any material in the FIR alleging any offence said to have been committed by the petitioners in order to attract the provisions of the Prohibition Act, 2016.

6. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners' be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge Excise, East Champaran at Motihari in connection with Chiraiya (Sikarganj) P.S. Case No. 324 of 2019 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioners.



ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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