

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60811 of 2019

Arising Out of PS. Case No.-218 Year-2019 Thana- FALKA District- Katihar

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GOLU KUMAR @ RABI S/O- Kunkun Singh R/O- Vishwanath Nagar, P.S.-
Falka, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Opposite Party/s : Mr.Arvind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 30(a) of the Bihar Prohibition and Excise
Act,2016 (for short ‘the Prohibition Act’), registered in
connection with Falka P.S. Case No. 218 of 2019.

3. It is submitted that the petitioner has been falsely
implicated on the accusation of recovery of 12.240 litre of wine
and 29.500 litre of beer from the house of the petitioner’s father
Kunkun Singh, who was arrested at the spot. It is submitted that
such recovery was not made from the conscious possession of
the petitioner, nor is there any averment in the FIR to connect
the petitioner with the place of recovery or with the goods
recovered. It is, therefore, submitted that the ingredients of the



offence under the Prohibition Act are not attracted and no offence is made out against the petitioner. The petitioner claims 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 to have been committed by the petitioner in order to attract the provisions of the Prohibition Act.

6. Be that as it may, in the event of petitioner's arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioner 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 A.D.J.-II-cum-Special Judge, Katihar in connection with Falka P.S.Case No. 218 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 petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

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

(iv) That the petitioner 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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