

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63379 of 2019

Arising Out of PS. Case No.-433 Year-2019 Thana- DEHRI TOWN District- Rohtas

GOLU SINGH S/o Sanjay Singh R/o Mohalla- Jakki Bigha, P.S.- Dehri
Town, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh
For the Opposite Party/s : Ms. Rita Verma

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 21-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 448, 385, 504, 506/34 of the Indian Penal Code and Section 37(c) of the Bihar Prohibition & Excise Act, 2016 (for short 'the Prohibition Act') registered in connection with Dehri Town P.S. Case No. 433 of 2019.

3. It is submitted that the petitioner has been falsely implicated and from a perusal of the FIR no offence whatsoever is made out against the petitioner under the Prohibition Act as the accusation has been made against co-accused Bhim Singh who is said to have come in a drunken condition while the petitioner is merely said to have accompanied him. It has not been alleged that the petitioner was also in drunken condition or that any recovery has



been made from his conscious possession. The accusation under penal Sections are bailable.

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 except the secret information and statement of some villagers 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 petitioner's arrest or surrender before the 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 like amount each to the satisfaction of learned 2nd Additional District & Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram in connection with Dehri Town P.S. Case No. 433 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. 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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