

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74308 of 2019**

Arising Out of PS. Case No.-202 Year-2019 Thana- BIBHUTIPUR District- Samastipur

MADHESH SINGH @ MADHESH KUMAR S/o Naresh Singh R/o village-
Sakhmohan, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr.Humayou Ahmad Khan

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 16-12-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Bibhutipur PS case no. 202 of 2019 registered for the offences punishable under Sections 272, 273 of Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of huge quantity of illicit liquor from a pick-up van and it is alleged that the accused persons had managed to flee away from the spot.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. The learned counsel has further referred to paragraphs no. 6 and 7 of the present petition to



state that the said pick-up van in question, from which illicit liquor has been recovered, does not belong to the petitioner. Moreover, no recovery has been made either from the possession of the petitioner or from his house, hence the provisions of the Bihar Prohibition and Excise Act, 2016 are not applicable in this case. It is further submitted that the petitioner is having a clean antecedent.

Having regard to the facts and circumstances of the case, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-IInd-cum-Special Judge, Excise, Samastipur in connection with Bibhutipur PS case no. 202 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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