

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80323 of 2019

Arising Out of PS. Case No.-459 Year-2018 Thana- LALGANJ District- Vaishali

NAGENDRA PRASAD SINGH @ NAGENDRA SINGH Son of Ganga Prasad Singh Resident of Village and P.O. - Jaitipur, P.S. - Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh

For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-12-2019 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Lalganj P.S. Case No. 459 of 2018 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 13.5 litres of illicit liquor from cow shed situated on that portion of the joint property of the petitioner, which belong to his brother, namely, Harendra Singh. It is alleged that the petitioner had used the said portion of the plot of Harendra Singh for storing illicit liquor.

The learned counsel for the petitioner has submitted that admittedly the recovery of illicit liquor has been made neither



from the possession of the petitioner nor from his portion of the plot in question, hence the provisions of the Bihar Excise and Prohibition Act, 2016 shall not be applicable and no offence can be said to have been made out under the said provisions of law. It is further submitted that the petitioner has been falsely implicated in the present case and he is having a clean antecedent.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IIInd-cum-Special Judge, Excise, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 459 of 2018 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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