

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3096 of 2020

Arising Out of PS. Case No.-246 Year-2019 Thana- DUMRAO District- Buxar

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Bittu Singh @ Bittu Kumar Singh S/o Akshaybar Singh @ Akshaibar Ray R/o
village- Chilahari, P.S.- Dumraon (Naya Bhojpur O.P.), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Pandey

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Dumraon (Naya Bhojpur O.P.) P.S. Case No. 246 of 2019, registered for the offence punishable under Section 30(a) of the Bihar Prohibition Excise Act, 2016.

The allegation is regarding recovery of huge quantity of illicit liquor from the land inside the boundary wall belonging to one Hira Rai, situated south of the Pole Factory near B.Ed. College of Pratap Sagar and the accused persons are stated to be the persons, who used to undertake appropriate upkeep of the said illicit liquor and upon the police having arrived at the said place of occurrence, they had managed to flee away.

The learned counsel for the petitioner has submitted that



the petitioner has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that neither any recovery of illicit liquor has been made from the possession of the petitioner nor from his house and the place from where the illicit liquor is alleged to have been recovered does not belong to the petitioner as has been stated in paragraph no. 8 of the present petition, hence, it is submitted that no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, as such, there is no impediment for grant of anticipatory bail to the petitioner herein.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, coupled with the fact that prima facie, upon a bare perusal of the FIR, no offence punishable under the provisions of the Bihar Prohibition and Excise Act, 2016 are made out as far as the present petition is concerned, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail



bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IInd-cum-Special Judge (Excise), Buxar in connection with Dumraon (Nagar Bhojpur) P.S. Case No. 246 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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