

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 5159 of 2020

Arising Out of PS. Case No.-331 Year-2019 Thana- PATORI District- Samastipur

CHUNCHUN SINGH @ PRAMOD KUMAR S/o Late Krishn Murari Singh
@ Murari Singh R/o village- Asharapur Syupaul, P.S.- Shahpur Patori, Distt.-
Samastipur, Presently residing at village- Mandaidih, P.S.- Patepur, District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand

For the Opposite Party/s : Mr.Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2020 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 Shahpur Patori P.S. Case No. 331 of 2019,
registered for the offence punishable under Sections 272, 273/34
of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The allegation is regarding the accused persons being
engaged in unloading of a truck standing in front of the poultry
farm of the co-accused person, namely, Ritesh Kumar Singh and
when the police raiding party arrived there, it was found that the
unloading of illicit liquor was being carried from the truck and
the police party is said to have arrested one person, namely,



Awadhesh Ray, who is stated to have disclosed the name of the other accomplices including the petitioner.

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 submitted that neither the truck belongs to the petitioner nor the petitioner has been apprehended from the spot nor the illicit liquor has been recovered from the conscious possession of the petitioner. It is further submitted that the petitioner has been roped in the present case only because he happens to be the brother of the co-accused person, namely, Ritesh Kumar Singh. It is thus submitted that since no illicit liquor has been recovered from the conscious possession of the petitioner, no case under the provisions of the Bihar Prohibition and Excise Act, 2016 is made out.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, I find that prima facie no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein as far as the case of the petitioner for grant of anticipatory bail is concerned.

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 2nd Additional Sessions Judge-Cum-Special Judge, Excise, Samastipur in connection with Shahpur Patori P.S. Case No. 331 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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