

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9759 of 2020

Arising Out of PS. Case No.-457 Year-2019 Thana- TURKAULIYA District- East
Champaran

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SANTOSH SINGH Son of Lallan Singh Resident of Village-Khori Pakar,
Police Station-Panchpakari, District-East Champaran, at present Ambika
Nagar, Ward No.12, Police Station-Banjariya, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Adv.

For the Opposite Party/s : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272, 273 and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case got initiated on the basis of written report of Pramod Kumar Paswan, S.I.-cum-S.H.O., Banjariya Police Station submitted before the ADJ-VII-cum-Special Judge (Excise) Motihari is to the effect 08.07.2019, after having received a secret information that co-accused, Raushan Kumar Singh @ Vivek Singh, who is residing as a tenant in Ward No.12 at Ambika Nagar, has stored illicit liquor in the lodge of Santosh Singh, the petitioner, a raid was laid



when on seeing the police, two persons escaped from the scene, but on search being made, 110.265 litres of Indian Made Foreign Liquor was recovered from the lodge of the petitioner.

It is submitted by learned counsel for the petitioner that admittedly, the recovery has been made from the possession of co-accused, Raushan Kumar and on the alleged date of seizure, the petitioner was at Varanasi, but only on the basis of suspicion, the petitioner has been roped in the present case.

Learned APP for the State submits that the recovery has been made from the lodge of the petitioner.

Considering the recovery being made from the lodge of the petitioner, the anticipatory bail application is not maintainable. However, since the police admitted this fact that the liquor was stored by the tenant of the petitioner and statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Turkauliya



(Banjariya) P.S. Case No. 457 of 2019, pending before the
learned Special Judge, (Excise), East Champaran at Motihari.

With the above observation, this application is,
accordingly, disposed of.

(Dinesh Kumar Singh, J)

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