

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6472 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- BASANTPUR District- Siwan

Chhotu Singh @ Praveen Kumar Singh, (Male), aged about 27 years, son of
Prashuram Singh @ Pashuram Singh @ Pashuram Thakur Resident of Village
- Karcholiya, P.S.- Basant Pur, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the State : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-03-2020

Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends arrest in connection
with Basantpur PS Case No. 11 of 2020 dated 11.01.2020
instituted under Sections 272/273/308/379/34 of the Indian
Penal Code and 30(a) of the Bihar Prohibition and Excise Act,
2016.

3. The allegation against the petitioner and 10
others is of dealing in illicit liquor.

4. Learned counsel for the petitioner submitted that
the petitioner was neither caught at the spot nor the vehicle from
which the recovery was made belongs to him. It was submitted
that the driver and *khalasi* of the vehicle who were caught had



taken the name of the petitioner along with 8 other persons, as the persons for whom liquor was brought and they are alleged to have run away on seeing the police. Learned counsel submitted that the petitioner had altercation with the arrested driver a day earlier and he had threatened him that he would settle the score and, thus, getting an opportunity he has been falsely implicated. Learned counsel submitted that the petitioner has no other criminal antecedent. Learned counsel further submitted that co-accused Manoj Rai has been granted bail. However, he was not in a position to show to the Court details with regard to the said order.

5. Learned APP submitted that 216 litres of illicit wine has been recovered and the police had found 8-10 persons standing near the vehicle from which recovery has been made and who had run away on seeing the police and the petitioner being one of them was confirmed by the two arrested persons, including the driver of the pick-up. He further submitted that the defence of there being altercation a day earlier is unfit to be believed for the reason that if there is altercation between two unknown persons, there cannot be any question of the persons knowing the full name and parentage of each other. It was submitted that there being prohibition in the State of Bihar when



the law prohibits such trade, the petitioner indulging in such trade, cannot be said to be innocent.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to allow the prayer for anticipatory bail to the petitioner.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

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