

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8878 of 2020

Arising Out of PS. Case No.-155 Year-2019 Thana- DURAULI District- Siwan

RAMESH SINGH Son of Harendra Singh Resident of Village - Don Bujurg,
P.S.- Darauli, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-02-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Darauli P.S. Case No. 155 of 2019 for the offence registered under
Sections 272 and 273 of the Indian Penal Code and Sections 30(a)
and 38(i) of the Bihar Prohibition & Excise Act, 2016.

The allegation is regarding recovery of 7.180 liters of
illicit liquor from the conscious possession of the co-accused,
namely, Dilip Bin and when he was apprehended, he disclosed that
the petitioner had fled away and he is one of his accomplice.

The learned counsel for the petitioner has submitted that
the petitioner has been falsely implicated and he is having a clean
antecedent. It is further submitted that since no recovery of
illicit liquor has been made either from the conscious possession
of the petitioner or from his house, hence the provisions of the



Bihar Prohibition and Excise Act, 2016 qua the petitioner herein are not attracted.

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, 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 Session Judge-2nd-cum-Special Judge (Excise), Siwan in connection with Darauli P.S. Case No. 155 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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