

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8122 of 2020**

Arising Out of PS. Case No.-1176 Year-2019 Thana- BIHTA District- Patna

Ajit Kumar Singh @ Ajit Kumar S/o Rameshwar Singh R/o village-
Kishunpur, Bihta, P.S.- Bihita, District- Patna- 801103 Petitioner/s
Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Apurva Kumar, Advocate
For the Opposite Party/s : Mr.Pranav Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

5 25-09-2020 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Bihta P.S. Case 1176 of 2019 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, on secret information having been received, a raid was conducted. It is submitted that while one person managed to escape, one of the accused was caught and on search a total of 45 litres of IMFL was recovered. He is stated to have taken the name of the petitioner.

It is submitted by learned counsel for the petitioner that from perusal of the FIR, neither any recovery was made from the person or possession of the petitioner nor was the petitioner arrested at the spot. It is further submitted that from perusal of the seizure list enclosed with the FIR it would transpire that the alleged place of recovery is the bushes near the primary school, which admittedly is an open place accessible to all. It is submitted that the cause of false implication of the petitioner is for the reason that on an earlier occasion he had



been falsely implicated in a similar case wherein he has been enlarged on bail.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case including the place of recovery being an open place, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Bihta P.S. Case no. 1176 of 2019, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/ (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

