

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13175 of 2020

Arising Out of PS. Case No.-182 Year-2019 Thana- BASANTPUR District- Siwan

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Atul Singh, aged 25 years, Gender-Male, Son of Late Shambhu Singh,
Resident of Village-Kishunpura, Police Station-Basantpur (Lakadi Navigangh
O.P.), District-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 14-10-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Bijay Prakash Singh, learned counsel for the petitioner and Mr. Khurshid Anwar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Basantpur PS Case No. 182 of 2019 dated 05.06.2019, instituted under Sections 272/273/308/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

4. The allegation against the petitioner is that he along



with Raju Sah was dealing in illicit liquor and from the asbestos hut of co-accused, 176 bottles of liquor totaling 66 litres have been recovered.

5. Learned counsel for the petitioner submitted that the recovery is from the co-accused and he has taken the name of the petitioner. Learned counsel submitted that besides there being no recovery from his possession or house, the petitioner has no criminal antecedent.

6. Learned APP submitted that when the police came, there were 2-4 persons at the place who run away and one person was caught namely Raju Sah and from his asbestos hut recovery has been made. It was submitted that the co-accused has taken the name of the petitioner as being his partner at that very moment and, thus, there does not seem to be any false implication. It was further submitted that the recovered liquor was suspected to be spurious also which would have caused threat to human life on consumption. It was further submitted that there was no occasion for the co-accused to take the name of the petitioner and further that the police had seen 2-4 persons at the spot, and except for one person who was caught, the others had run away.

7. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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