

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 8481 of 2020**

Arising Out of PS. Case No.-121 Year-2019 Thana- AANDAR District- Siwan

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BHISM KUMAR SINGH @ BHISM SINGH @ BHIM SINGH Son of Lalit
Singh Resident of Village-Chitaur, P.S.-Andar, District-Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : Ms Pushpa Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner apprehends arrest in connection with Andar
Police Station (for brevity, *PS*) Case No 121 of 2019 instituted
for the offence punishable under Section 30 (a) of Bihar Excise
and Prohibition Act, 2016.

Recovery of 9 liters of Indian made foreign liquor from a
ditch has led to lodging of the instant case. It is alleged that the
police party had gone there on information that petitioner was
indulging in trade of illicit liquor. Petitioner's counsel submits
that there is nothing to connect the petitioner with the alleged
recovery from an open ditch, having general public access.
Submission is that even as per the prosecution case, no case



under the Bihar Prohibition and Excise Act is made out against the petitioner.

The learned APP for the State has opposed the prayer for anticipatory bail referring to the provisions contained in Section 76 (2) of the Bihar Prohibition and Excise Act.

For the limited purpose of grant of bail, this Court is inclined to accept the submissions of learned counsel for the petitioner.

Considering the aforesaid facts, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise, Siwan in connection with Andar PS Case No 121 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to



inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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