

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9051 of 2020

Arising Out of PS. Case No.-78 Year-2017 Thana- GRIYAK District- Nalanda

JAIRAM SINGH S/o Late Hari Nandan Singh Resident of Village- Katri,
P.S.- Warisaliganj, Distt- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh

For the Opposite Party/s : Mrs.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-03-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Giriyak (Katrisarai) P.S. Case No. 78 of 2019 for the offence registered under Sections 30, 37, 38, 41 of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of certain quantities of illicit liquor from an Ambassador car as also from beneath a bridge situated at the alleged place of occurrence whereupon the co-accused person Dani Mahto was arrested and he disclosed that apart from the said Ambassador car, one Scorpio vehicle was also being used for the purposes of ferrying illicit liquor.

The learned counsel for the petitioner has submitted that the petitioner is innocent and is having a clean antecedent and



has been falsely implicated in the present case. It is further submitted that neither the Scorpio vehicle of the petitioner has been apprehended by the Police nor any illicit liquor has been recovered either from the conscious possession of the petitioner or from the Scorpio vehicle of the petitioner, hence the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted. Lastly, it is submitted that the said co-accused person, namely, Dani Mahto has already been granted bail by a coordinate Bench of this Court vide order dated 08.06.2017 passed in Criminal Misc. No. 22374 of 2017.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and upon a bare reading of the FIR, 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 his case 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 A.D.J.-III-cum-Special Judge (Excise),
Nalanda at Biharsharif in connection with Giriyak (Katrisarai)
P.S. Case No. 78 of 2017 subject to the conditions as stipulated
under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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