

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9860 of 2020

Arising Out of PS. Case No.-284 Year-2019 Thana- DARAUNDA District- Siwan

NIRAJ KUMAR SINGH @ CHOTU SINGH S/o Late Baleshwar Singh @
Kala Singh R/o village- Chand Parsa, P.S.- M.H. Nagar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioner is apprehending arrest in a case registered for the offences punishable Sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case as per the written report of A.S.I. Bhagwan Tiwari submitted before the S.H.O., Daraundha Police Station is to the effect that on 17.12.2019 at 7.00 P.M., during patrolling, on seeing the police, four persons started fleeing away and succeeded to escape from the scene. During search, from a heap of straw, near a canal situated in front of the house of co-accused, Ram Avtar Mahto, 25 litres of country made liquor was recovered. On inquiry, the name of the persons,



who escaped from the scene was transpired as co-accused, Ram Avtar Mahto, Ajay Yadav, Dharmendra Gond and the petitioner, Niraj Singh @ Chhotu Singh.

It is submitted by learned counsel for the petitioner that admittedly, the said recovery has been made from a heap of straw near a canal which is an open area, hence, it cannot be treated to be made from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner escaped from the place of seizure.

Considering the fact that the recovery has been made from the embankment of the canal situated in front of the house of co-accused, Ram Avtar Mahto which is an open area coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned ADJ-II-cum-Special Judge



(Excise), Siwan, in connection with Daraunda P.S. Case No.284
of 2019, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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