

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10860 of 2020

Arising Out of PS. Case No.-200 Year-2019 Thana- DURAULI District- Siwan

BITU SINGH @ BITTU SINGH S/o Durga Singh @ Bijli Singh R/o village-
Don Bujurg, P.S.- Darauli, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ajay Kumar Tiwary
For the Opposite Party/s :	Mr.Gauri Shankar Gupta
	Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mr. Ashok Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Darauli P.S. Case No. 200 of 2019 for the offence registered under Section 30(a) and 38 (i) of the Bihar Prohibition Excise Act, 2016.

The allegation is regarding recovery of 6.840 litres of illicit liquor from the campus of the house of the petitioner herein.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that no recovery has been made from the conscious possession of the petitioner as far as the illicit liquor is concerned. It is further submitted that Section 100 Cr.P.C. has not been complied with while preparing the seizure list, hence the entire seizure stands vitiated, thus no offence is made out under the provisions of the Bihar Prohibition & Excise Act, 2016 (hereinafter referred to as 'the Act, 2016'), and therefore, there is no impediment for consideration of the prayer of the petitioner for grant of anticipatory bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and taking into account the fact that there is no compliance of Section 100 Cr.P.C. qua the seizure list in question, this Court prima facie finds that no offence is made out under the provisions of the Act, 2016 as far as the petitioner is concerned, more so since no recovery of illicit liquor has been made from the conscious possession of the petitioner, thus this Court deems it fit and proper to direct for admitting the petitioner to



the privilege of anticipatory bail.

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 Additional Sessions Judge-2nd-cum-Special Judge, Excise, Siwan in connection with Darauli P.S. Case No. 200 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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