

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10988 of 2020

Arising Out of PS. Case No.-155 Year-2019 Thana- DAWATH District- Rohtas

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SAROJ SINGH S/o Rameshwar Singh R/o Vill. - Dhawai, P.S. - Dawath,
Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-03-2020 Heard the learned counsel for the petitioner and the

learned APP for the State.

This is an application for grant of anticipatory bail
in connection with Dawath P.S. Case No. 155 of 2019,
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 1383.840
liters of illicit liquor from the house of the co-accused person,
namely, Rameshwar Singh, who was arrested from the spot and
the petitioner is stated to be his son.

The learned counsel for the petitioner has
submitted that the petitioner is innocent and if anyone is having
complicity in the matter, it might be his father. It is further



submitted that the petitioner is having a clean antecedent and on the alleged date of occurrence, he was away from the house and working at Punjab. Lastly, it is submitted that since no illicit liquor has been recovered from the conscious possession of the petitioner and the petitioner was not found at the spot, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted in the present case.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, 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 the case of the petitioner for grant of anticipatory bail is concerned.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ II Cum Special Judge, Excise Act, Rohtas at Sasaram in connection with Dawath P.S. Case No. 155 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

(Mohit Kumar Shah, J)

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