

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20127 of 2020

Arising Out of PS. Case No.-73 Year-2008 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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Binod Singh, S/o Bharat Singh Resident of Village- Mahamadali Chak, P.S.-
Nayagaon, Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh- Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh- A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 17-08-2020 The defect, as pointed out by the office, be

ignored.

Heard learned counsel appearing for the petitioner
as well as learned Additional Public Prosecutor appearing
for the State through video conferencing.

Petitioner apprehends his arrest in connection with
Excise Case No.73 of 2008 registered for the offences
punishable under Section 47(a) of the Bihar Prohibition and
Excise Act.

Learned counsel appearing for the petitioner
submits that the above stated Excise Case No.73 of 2008
was registered under Old Excise Act and, therefore, petition



under Section 438 of the Cr.P.C. is maintainable. He further submits that the falsity of the present case is apparent from the prosecution report itself, because the complainant claimed in prosecution report that petitioner fled away from the place of occurrence seeing the raiding party and, thereafter, the complainant claimed that the recovery was made from the shop of the petitioner after breaking the lock of shop of petitioner. He further submits that if the petitioner would have present at the place of occurrence, there was no necessity of breaking the lock of the shop.

On the other hand, learned Additional Public Prosecutor opposed the prayer pointing out that the present case was lodged in the Year 2008 and after 12 years of the occurrence, petitioner is approaching the Court.

Regard being had to the facts and circumstances of the case as well as submissions of the parties, I am not inclined to extend the privilege of anticipatory bail to the petitioner and, accordingly, his prayer for anticipatory bail stands rejected.

However, petitioner is directed to surrender before the Court below within six weeks from the date of receipt/



production of a copy of this order to the concerned Court and if petitioner does so, and seeks regular bail, the concerned Court shall consider the regular bail application of the petitioner on its own merit without being prejudiced by this rejection order.

(Hemant Kumar Srivastava, J)

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