

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24446 of 2020

Arising Out of PS. Case No.-418 Year-2019 Thana- CHAKIA District- East Champaran

SUMIT SAURAV @ SUMIT SAURABH @ GOLU SINGH S/o Late Subodh Singh @ Subodh Kumar Singh Resident of Village- Laukaha, P.S.- Chakia, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-10-2020 Heard Mr. Ajay Kumar Singh, learned counsel for the petitioner and Mr. Rajballabh Singh, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner apprehends arrest in connection with Chakia P.S. Case No. 418 of 2019 registered for the offences punishable under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner as per the First Information Report is that the Police recovered a total quantity of 169.125 litres of foreign liquor from the Nano Car which was standing near the Water Plant of the petitioner.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case with oblique motive. Learned counsel referring to paragraph-7 of this petition submits that the Car in question from where the illicit liquor has been recovered does not belong to the petitioner. Learned counsel further submits that no illicit liquor has been recovered either from conscious possession of the petitioner or the premises belonging to him. Learned counsel also submits that the petitioner has got no criminal antecedent and upon perusal of First Information Report and the seizure list, no *prima facie* offence under the Excise Act is made out against the petitioner.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the petitioner is not the owner of the said Nano Car from where the illicit foreign liquor has been recovered, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Motihari, East Champaran, in connection with Chakia P.S. Case No. 418 of 2019, subject to the condition as laid down under



Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

