

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25009 of 2020

Arising Out of PS. Case No.-81 Year-2020 Thana- MAHESI District- East Champaran

1. VIKRAM SINGH @ VIKRAM KUMAR S/o Dinesh Singh Resident of Village- Mani Chhapra, P.S.- Chakia, District- East Champaran.
2. Dinesh Singh S/o Late Ramji Singh Resident of Village- Mani Chhapra, P.S.- Chakia, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-10-2020 Heard Mr. Ajay Kumar Sinha, learned counsel for the petitioners and Dr. Rabindra Kumar, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Mahesi P.S. Case No. 81 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners as per the First Information Report is that the Police intercepted one Maruti Suzuki 800 Car and upon seeing the Police party, the persons sitting in the Car, fled away. However, the Police recovered a



total quantity of 113.82 litres of illicit foreign liquor from the said Car. It has further been alleged that on query, the name of the petitioners have been disclosed by local Chowkidar.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of their names disclosed by the local Chowkidar and the petitioners have got no criminal antecedents. Learned counsel referring to paragraph-7 of this petition submits that the petitioners are not the owner of the Car in question and no illicit liquor has been recovered either from their conscious possession or the vehicle belonging to them. Learned counsel further submits that from perusal of the First Information Report and seizure list, it would be evident that no *prima facie* offence under the Excise Act is made out against the petitioners.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that the petitioners are not the owner of the Car in question and they have got no criminal antecedents, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge cum Special Judge, Excise, Motihari, East Champaran, in connection with Mahesi P.S. Case No. 81 of 2020, 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	
---	--	---	--

