

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29510 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- DAUDPUR District- Saran

1. GOLU SINGH @ GOLU KUMAR SINGH Son of Ravindra Singh @ Vyas Singh Resident of Village-Balesara, Police Station-Daudpur, District-Saran (Chapra).
2. Rahul Yadav @ Chhotu @ Chhotu Yadav S/o Birendra Yadav Resident of Village-Balesara, Police Station-Daudpur, District-Saran (Chapra).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Purujeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-12-2020 Heard Mr. Purujeet Kumar Singh, learned counsel for the petitioners and Mr. Manoj Kumar, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Daudpur P.S. Case No. 23 of 2020 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation as per the First Information Report is that the Police seized a total quantity of 90 litres of illicit foreign liquor from the field situated near the road side and the petitioners along with others were seen unloading the said liquor from the vehicle by the Police party.



Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case with oblique motive inasmuch as from perusal of the First Information Report, no illicit liquor has been recovered either from conscious possession of the petitioners or from the premises belonging to them. Learned counsel further submits that the petitioners have got no criminal antecedents and from perusal of the First Information Report no *prima facie* offence under the Excise Act is made out against the petitioners.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that illicit liquor has not been recovered either from conscious possession of the petitioners or from the premises belonging to them, 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran, in connection with Daudpur P.S. Case No. 23 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)

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