

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29877 of 2020

Arising Out of PS. Case No.-432 Year-2018 Thana- LALGANJ District- Vaishali

RANDHIR SINGH S/o Vishwanath Singh Resident of Village-Totha, P.S.-
Lalganj, District-Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Adv.

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-12-2020 Heard Mrs. Bela Singh, learned counsel for the
petitioner and Mr. Vinod Shankar Modi, Additional Public
Prosecutor for the state through video conferencing.

2. Petitioner apprehends his arrest in connection with
Lalganj PS Case No. 432/2018 registered for the offence
punishable under Section 30 (a), 32(2), 41(1) of the Bihar
Prohibition and Excise Act, 2016.

3. The allegation, as per FIR, is that the police, after
getting a secret information that petitioner along with other
accused persons have brought consignment of illicit liquor from
a truck and the same is being unloaded in an orchard and field
of village, Pakrikanth, arrived at the place of occurrence and
recovered total quantity of 4502.600 litres of illicit liquor from a
Mahindra 207 vehicle and from Tata Tiago car standing near the
said orchard and field of one Binod Singh.



4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been dragged in this case on the basis of disclosure made by village-Chaukidar. Learned counsel further submits that petitioner has got no criminal antecedents and he has been implicated in this case with an oblique motive by village-Chaukidar. Learned counsel further submits that no liquor has been recovered from the conscious possession of the petitioner or from the vehicles belonging to him.

5. Learned counsel, referring to para-10 of the instant petition, submits that the petitioner is not the owner of the said vehicles from where illicit liquor has been recovered. Thus, learned counsel submits that from perusal of the FIR and material on record, it appears that no *prima facie*, case under the Excise Act is made out against the petitioner.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that no liquor has been recovered from the conscious possession of the petitioner or from the vehicles belonging to him, and petitioner has got no criminal antecedents, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, petitioner, RANDHIR SINGH shall



be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Court, Vaishali in connection with Lalganj PS Case No. 432/2018, subject to the conditions as laid down under Section 438(2) CrPC.

8. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

perwez

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

