

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77094 of 2019

Arising Out of PS. Case No.-72 Year-2019 Thana- HATHIDAH District- Patna

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Vijay Singh, Son of Late Ram Naresh Singh @ Lakhu Singh, Resident of
Village - Hathidah, P.S.- Hathidah, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Sudhanshu, Advocate
Mr.Kumar Manglam, Advocate
For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard Mr. Amit Kumar Sudhanshu, learned counsel
for the petitioner and Mr. Uma Shankar Prasad Singh, learned
APP for the State.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of
2018.

The prosecution case, as per the written report
of A.S.I., Dilip Kumar submitted to Station House
Officer, Hathidah Police Station, is to the effect that on



07.09.2019, during evening patrolling, a confidential information was received that in village – Hathidah Dih, Vijay Singh, the petitioner and his son co-accused Raja Kumar in the cowshed hutment have concealed liquor, consequently, a raid was laid and 23 litres of Indian made foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner rather the same has been made from an open area and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the cowshed of the petitioner.

Considering the fact that the recovery has been made from an open area and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned Special Judge, Excise Act, Patna in



connection with Hathidah P.S. Case No. 72 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Patna in connection with Hathidah P.S. Case No. 72 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to further extend the period of provisional anticipatory bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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