

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86336 of 2019

Arising Out of PS. Case No.-496 Year-2019 Thana- BARAUNI District- Begusarai

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Bittu Kumar, s/o-Surendra Ray @Surendra Singh @ Surendra Ram, Resident
of Village-Harpur, P.S.-Barauni (Refinery), District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Asha Devi

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Barauni P.S. Case No. 496 of 2019, registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2016.

The allegation against the petitioner as per the first
information report is that police got a secret information that
one Gautam Kumar has brought consignment of illicit liquor
proceeded towards the house of Gautam Kumar and no sooner
than the police party reached near the house of Gautam Kumar,
three persons having plastic bags on his head started fleeing
away upon seeing the police party and when the police party
chased them, they left bag containing illicit liquor near the



house and fled away thereafter police raided the house of said Gautam Kumar, however, police upon search of the plastic bag recovered a total quantity of 21 litres of illicit liquor.

Mr. Arjun Prasad, learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in this case merely on the basis of disclosure of name of the petitioner made by the co-villager. Learned counsel further submits that petitioner has got no criminal antecedent and no illicit liquor has been recovered from the conscious possession of the petitioner or the premises belonging to him. Learned counsel referring to order dated 20.12.2019 passed in Cr. Misc. No.84978 of 2019 submits that the co-accused, Gautam Kumar, has been granted bail by this Court.

After having heard learned counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioner and the petitioner has got no criminal antecedent and similarly situated co-accused has been granted bail by this Court, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of



four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge-cum-Special Judge, Excise Act, Begusarai, in connection with Barauni P.S. Case No. 496 of 2019, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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