

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85508 of 2019**

Arising out of P.S. Case No.-100 Year-2019 Thana- AAYAR
District- Bhojpur

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RABINDRA SINGH Son of Jagmohan Singh Resident of Village -
Baraghara, P.S.- Ayar, Distt - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
: Mr. Ganesh Prasad Singh, Advocate
For the Opposite Party/s: Mr. Md. Shakir Ahmad, APP.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
SINHA**

ORAL ORDER

2 13-02-2020 Heard Mr. Prabhat Kumar Singh, learned counsel for

the petitioner and Mr. Md. Shakir Ahmad, learned counsel

appearing on behalf of the State.

Petitioner apprehends his arrest in connection with

Excise Case No. 2373 of 2019 arising out of Ayar P.S. Case No.

100 of 2019, registered for the offence punishable under Section

30(a) of Bihar Prohibition of Excise Act.

The allegation against the petitioner as per the First

Information Report is that when the police intercepted a

motorcycle the two persons riding on the motorcycle fled away



and on chase police apprehended one person namely Dhananjay Kumar who disclosed the name of the petitioner who managed to flee away. Police recovered 40 litres of mahua wine from the motorcycle in question.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the motorcycle which has been seized by the police does not belong to the petitioner and the name of the petitioner has been disclosed by the co-accused, Dhananjay Kumar. Learned counsel for the petitioner further submits that no illicit liquor has been recovered from the conscious possession of the petitioner or from the vehicle belonging to the petitioner.

Having heard learned counsel for the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner or from the vehicle belonging to the petitioner, 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) each with



two sureties of the like amount each to the satisfaction of learned 4th Additional District and Sessions Judge-cum-Special Judge, Excise, Bhojpur at Ara in connection with Excise Case No. 2373 of 2019 arising out of Ayar P.S. Case No. 100 of 2019, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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