

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2260 of 2020

Arising Out of PS. Case No.-202 Year-2019 Thana- BIBHUTIPUR District- Samastipur

KISHAN KUMAR @ GHANNU SINGH @ DHANNU Son of Suresh Prasad
Singh Resident of Village-Sakhmohan, Police Station-Bibhutipur, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-01-2020 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner is apprehending his arrest in Bibhutipur P.S.
Case no. 202/2019 registered under section 30(a) of the Bihar
Prohibition and Excise Act, 2016 and sections 272, 273 IPC.

Huge quantity of 4000 liters (Approximately) Indian
made foreign liquor is said to have been recovered from the
truck while in the process of unloading.

Counsel for the petitioner submits that while fleeing
away from the place of occurrence, petitioner was identified. He
further submits that in respect of recovered liquor, there is
nothing to connect the petitioner with the same. He is neither
owner of the truck in question nor recovered liquor. There is no



allegation that anything is recovered from the possession of the petitioner. It is also submitted that in the circumstance, no offence whatsoever can be made out from the allegation under Bihar Prohibition and Excise Act.

Learned A.P.P. opposes the prayer by referring to section 76(2) of the Act and submitted that prayer for pre-arrest bail would not be maintainable.

Considering the law stated in the Full Bench decision of this court in the case of Ram Vinay Yadav vs. State of Bihar reported in 2019(2) PLJR 1089 this Court, for limited purpose of anticipatory bail, is inclined to accept the submissions of counsel for the petitioner. Application is allowed.

In the event of arrest/ surrender within four weeks from the date of receipt of a copy of the order in the court below, petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. District Judge II-cum- Special Judge, Excise, Samastipur in Bibhutipur P.S. Case no. 202/2019 subject to the condition under section 438(2) Cr.P.C and other conditions.

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

s.hassan/-

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