

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23308 of 2020

Arising Out of PS. Case No.-41 Year-2016 Thana- DURAULI District- Siwan

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Fahim Ahmad S/o Md. Hatim Resident of Village- Piyaur, Post- Gayghat,
P.S.- M.H. Nagar, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 02-11-2021 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

The present pre-arrest bail application has been filed
by the petitioner who is apprehending his arrest in connection
with Darauli P.S. Case No. 41 of 2016 registered under Sections
406 and 420/34 of the Indian Penal Code.

It has been alleged in the F.I.R that the petitioner
violated the terms and conditions of the license granted to him
under the Bihar Excise Act for altogether 65 shops for the
financial year 2015-16. The petitioner in terms of the license has
not deposited Rs. 4,78,200/- on account of license fee for the
month of February in the year 2015-2016.

It has been submitted by the petitioner that due to non
deposition of the license fee for the month of February in the



year 2015-16 in terms of the provision of the license granted to him as per the provision of erstwhile Bihar Excise Act, his security deposit equal to the loss estimated by the State has already been adjusted from the security amount from the F.D.R. in the State Bank of India, Gopalpur Branch, Gayghat, Siwan. The petitioner further submits that as the aforesaid amount has already been adjusted no loss is suffered by the State. He further submits that he has clean antecedent and similarly situated one Sipahi Yadav who is a co-accused in relation with Darauli P.S. Case No. 41 of 2016 against whom also allegation under Section 406 and 420/34 of the IPC has been leveled has already been granted regular bail by the Court of Sessions Judge, Siwan in connection with Bail Petition No. 959 of 2016 vide order dated 11.07.2016 and the same has been brought on record as Annexure-3 of the petition.

Learned counsel appearing on behalf of the State, vehemently opposed the prayer of petitioner for privilege of anticipatory bail.

Considering the facts and circumstances of the case and perusal of the F.I.R. and the fact that the loss made to the State on account of non deposition of license fee has already been adjusted, prima facie no case is made out against the



petitioner. This Court is of the opinion that this is a fit case to exercise jurisdiction to grant anticipatory bail to the petitioner, let the above named petitioner be released on bail, in the event of his arrest or surrender before the Court below within four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Siwan in connection with Darauli P.S. Case No. 41 of 2016 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Purnendu Singh, J)

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