

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29940 of 2020

Arising Out of PS. Case No.-46 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhojpur

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DINESHWAR SINGH Son of - Late Ram Sakal Singh Resident of Village-
Nargada, P.S.- Barhara, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta
For the Opposite Party/s : Mr. Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-01-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Excise Case No. 46 of 2020, disclosing offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016
(hereinafter referred to as 'the Act').

The allegation, as per the prosecution report, is that
the Excise officials, on the basis of secret information,
intercepted one Wagon-R car and recovered a total quantity of
61.215 litres of illicit foreign liquor and the person, who was
driving the car, namely, Banty Kumar, succeeded in fleeing
away.

Learned Counsel for the petitioner submits that the



petitioner has merely been implicated in this case since he happens to be the owner of the car in question. He further submits that the fact of the matter is that the car in question was borrowed by co-accused Banty Kumar and the petitioner was not having any knowledge about the fact that he would be carrying illicit liquor in the car in question. He further submits that the petitioner has got no criminal antecedent and illicit liquor has not been recovered from the conscious possession of the petitioner.

After having heard learned Counsel for the parties concerned and taking into consideration the justification given by the petitioner and the fact that the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Dineshwar Singh, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge -cum- Special Judge, Excise, Bhojpur, at Ara, in connection with Excise Case No. 46 of 2020, subject to the



condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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