

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29971 of 2020

Arising Out of PS. Case No.-72 Year-2020 Thana- NAUTAN District- Siwan

ATTU KUMAR SAH @ ATTU SAH S/o Shri Ram Sah R/o Vill.-Hathaunji
Ekla Aam, P.S.-Nautan, Distt.-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-01-2021 Heard Mr. Bijay Prakash Singh, learned counsel for
the petitioner and Mr. Ganesh Prasad Singh, learned Additional
Public Prosecutor appearing for the State.

Petitioner apprehends arrest in connection with
Nautan P.S. Case No. 72 of 2020 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The allegation as per the First Information Report is
that the Police on the basis of secret information intercepted the
Motorcycle of the petitioner and upon seeing the Police Party,
the petitioner succeeded in fleeing away. However, the Police
recovered a total quantity of 45 litres of illicit country made
liquor from the said Motorcycle.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case. Learned counsel referring to paragraph-8 of this application submits that the Motorcycle from which the illicit liquor has been recovered, does not belong to the petitioner and he has got no criminal antecedent. Learned counsel also submits that no illicit liquor has been recovered either from conscious possession of the petitioner or from the vehicle belonging to him. As such, submission is that as per the First Information Report and the seizure list, no *prima facie* case under the Excise Act is made out against the petitioner.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that no illicit liquor has been recovered either from conscious possession of the petitioner or the vehicle belonging to him, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge cum Special Judge, Excise, Siwan, in connection with Nautan P.S. Case No. 72 of 2020, subject to the



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

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

