

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31504 of 2020

Arising Out of PS. Case No.-43 Year-2020 Thana- PIPRIYA District- Lakhisarai

1. Jawahar Singh @ Jawahar aged about 32 Years, Gender - Male
2. Hira Singh @ Hira aged about 30 years, Gender – Male, Both are Sons of Upendra Singh, Both are Resident of Village- Balipur, Police Station- Pipariya, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-02-2021 Heard Mr. Rabi Bhushan, learned counsel for the petitioners and Mr. Gauri Shankar Gupta, learned Additional Public Prosecutor appearing for the State.

Petitioners apprehend their arrest in connection with Pipariya P.S. Case No. 43 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation as per the First Information Report is that the Police intercepted one Auto Rickshaw and recovered a total quantity of 198 liters of illicit foreign liquor from the same and arrested three accused persons and two persons succeeded in fleeing away and the apprehended co-accused / Nitish Kumar



disclosed that petitioners are their business partners. The name of the persons who succeeded in fleeing away was disclosed as petitioners by the apprehended co-accused / Nitish Kumar.

Learned counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case merely on the basis of disclosure of their name by the arrested co-accused. Learned counsel next submits that petitioners are not the owner of the auto rickshaw in question from where the illicit liquor has been recovered and they are not having any criminal antecedent. Learned counsel further submits that from perusal of the First Information Report and the seizure list no prima facie offence under the Excise Act is made out against the petitioners.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record, the fact that petitioners are not the owner of the auto rickshaw in question and no illicit liquor has been recovered from their conscious possession, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above



named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional District & Sessions Judge cum Special Judge, Excise, Lakhisarai / court concerned in connection with Pipariya P.S. Case No. 43 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 bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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