

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33920 of 2020

Arising Out of PS. Case No.-75 Year-2020 Thana- DHANGAI District- Bhojpur

-
1. AKASH SINGH @ AKASH KUMAR SINGH Son of Sri Sanjay Singh
Resident of Village- Khairaha, P.S.- Dhangai, District- Bhojpur.
 2. RAHUL SINGH @ RAHUL KUMAR Son of Late Abhay Singh Resident of
Village- Khairaha, P.S.- Dhangai, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar Singh Mr. Siddhartha Kumar Singh
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-02-2021 Learned Counsel for the petitioners, at the very outset, informs that the petitioner no. 1, Akash Singh @ Akash Kumar, has been arrested by the police during the pendency of this application and this application, so far as petitioner no. 1 is concerned, has become infructuous.

Accordingly, this application, so far as petitioner no. 1, is concerned, is dismissed as having become infructuous.

This application will now survive only for petitioner no. 2.

Heard learned Counsel for the petitioner no. 2 and learned Additional Public Prosecutor for the State, through Video Conferencing.



This application, for grant of anticipatory bail, arises out of Dhangai Police Station Case No. 75 of 2020, registered for the offence punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation, as per the First Information Report, is that the police raided the poultry farm of co-accused Vijay Singh and recovered a total quantity of 322.92 litres of illicit liquor from the said poultry farm and it has further been alleged that upon seeing the police party, the petitioner, along with other co-accused persons, succeeded in fleeing away and they were identified by the village chowkidar.

Learned Counsel for the petitioner no. 2 submits that the petitioner no. 2 has not committed any offence in the manner alleged and he has falsely been implicated in this case due to village politics. He further submits that the petitioner no. 2 has got no criminal antecedent and from perusal of the First Information Report and the seizure list, it would be evident that the illicit liquor has been recovered from the poultry farm of co-accused Vijay Singh and nothing has been recovered from the conscious possession of the petitioner or the premises belonging to him.

After having heard learned Counsel for the parties and



taking into consideration the materials on record and the fact that no illicit liquor has been recovered either from the conscious possession of the petitioner or the premises belonging to him, I am inclined to grant the petitioner no. 2 privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner no. 2, Rahul Singh @ Rahul Kumar, be released on bail, in the event of his arrest or surrender before the Court below within a period of six 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 Dhangai Police Station Case No. 75 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	√	T	√
---	---	---	---

