

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4456 of 2021

Arising Out of PS. Case No.-270 Year-2020 Thana- BAJPATTI District- Sitamarhi

NIRANJAN KUMAR @ NIRANJAN SINGH SON OF RAJ PALTAN
SINGH RESIDENT OF VILLAGE - BANGAON, P.S. - BAJPATTI,
DISTRICT - SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2021 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with Bajpatti P.S. Case No. 270 of
2020 registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise
Act.

The allegation is regarding the police having
apprehended a truck and some other vehicles from
which various quantities of illicit liquor was
recovered. It is also alleged that five persons had
been apprehended by the police from the place of



occurrence and upon interrogation, the truck driver and cleaner of the truck in question disclosed the name of 12 persons, who were engaged in unloading the illicit liquor from the truck in question and had managed to escape. One of the name disclosed was that of the petitioner herein.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and though he is an accused in one other criminal case, but he is on bail in the said case. It is further submitted that admittedly, the petitioner is alleged to be a labour and therefore, he is neither the owner of the vehicles in question nor the liquor in question. Lastly, it is submitted that merely on the basis of confessional statement of the co-accused persons, the petitioner has been roped in the present case although neither the petitioner was present at the place of occurrence nor he has got anything to do either with the vehicles in question or the liquor in question seized by the police.

Per contra, the learned APP for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and the materials available on record, as also taking into account the fact that the petitioner has categorically asserted in the present petition that he has got nothing to do either with the vehicles in question or the illicit liquor in question which have been seized by the police, apart from the fact that the petitioner has been falsely implicated in the present case merely on the basis of the confessional statement of the co-accused persons, who are stated to have named the petitioner as one of the labour, who had been unloading illicit liquor, this Court finds that prima facie, no case is made out under the provisions of Bihar Prohibition and Excise Act, 2016, as far as consideration of the present bail petition is concerned, hence, the bar of Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to



the petitioner herein, thus, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bajpatti P.S.Case No. 270 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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