

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7334 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- KHAJAUli District- Madhubani

1. BHUTAI SINGH @ NATHUNI SINGH Son of Hari Singh Resident of Village- Sukki Dih tola, P.S.- Khajauli, District- Madhubani.
2. Nand Kishor Singh @ Nand Singh @ Nandu Singh Son of Bhutai Singh @ Nathuni Singh Resident of Village- Sukki Dih tola, P.S.- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 23-03-2022 It is submitted by learned counsel for the petitioner that during pendency of this application, petitioner no. 2 has been arrested and, as such, he seeks permission to withdraw this application against him.

In view of the aforesaid submission, this application is dismissed as withdrawn against petitioner no. 2.

So far as petitioner no. 1 is concerned, the instant application for anticipatory bail has been filed by him apprehending his arrest in connection with Khajauli P.S. Case no. 115 of 2021 instituted for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.



Prosecution case relates to recovery of 225 litres of IMFL from the bamboo yard situated behind the house of the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. Petitioner has no concern with the alleged recovery or with the place of occurrence. The alleged place is an open area, which is easily accessible to all. The name of the petitioner has been disclosed in this case by the local villagers before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner no. 1 on bail. The petitioner no. 1 is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Khajauli P.S. Case no. 115 of 2021, he will be enlarged on bail on furnishing bail bond of



Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd Cum-Special Judge, Excise Act, Madhubani subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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