

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31456 of 2021**

Arising Out of PS. Case No.-271 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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VIJAY SINGH Son of Arjun Prasad Singh Resident of Village - Ramdiri ward
No. - 6, P.S.- Matihani, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh
For the Opposite Party/s : Mr.A.P.P

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Excise Case no. 271C2/2020 instituted for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2018.

Prosecution case relates to recovery of 8.250 litres
IMFL from the outer toilet situated in western side of the house.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has been falsely
implicated in this case. Neither the petitioner was arrested on
spot nor any incriminating article has been recovered from his



conscious possession. It is further submitted by learned counsel for the petitioner that petitioner is HIV positive person.

Learned APP appearing for the State has opposed the prayer of bail and submitted that petitioner is a habitual offender.

Having heard learned counsel for the parties and taking into consideration that the alleged toilet belongs to the petitioner, from where recovery of illegal liquor has been made, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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