

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.8197 of 2021**

Arising Out of PS. Case No.-120 Year-2020 Thana- MUFFASIL District- Aurangabad

Anuj Kumar Singh Late Munni Singh Resident Of Village Renu Bigha P.S.  
Muffasil District Aurangabad. At Present Resident Of Sone Sichayee Colony,  
P.S. Aurangabad Town, District- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                          |   |                                                                      |
|--------------------------|---|----------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Krishna Prasad Singh, Sr. Advocate<br>Mr. Rakesh Singh, Advocate |
| For the Opposite Party/s | : | Ms. Nirmala Kumari, APP                                              |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

4      19-01-2022                      Heard Mr. Krishna Prasad Singh, learned Senior  
Counsel for the petitioner and Ms. Nirmala Kumari, learned  
APP for the State.

The petitioner in the present case is seeking pre-arrest  
bail in connection with Aurangabad Muffasil P.S. Case No. 120  
of 2020 registered for the offence punishable under Section  
30(a) of the Bihar Prohibition and Excise Act.

As per the First Information Report lodged by the  
Sub-Inspector Excise and Prohibition, Sadar Circle Incharge,  
Aurangabad, in course of raid in the village of the petitioner a  
huge quantity of illicit liquors were recovered from the dallan  
(bungalow) of the petitioner. It is alleged that 891 liters kept in  
99 boxes having 2376 bottles were seized from his dallan.



Similarly, in the same village huge quantity of liquors were recovered from the houses of co-accused Sanjay Singh and Devesh Kumar Singh @ Dhandhan Singh. The liquors were stored in secret basements.

The petitioner moved this Court making a specific statement in paragraph '3' that he has got no criminal antecedent and his antecedent is good. He further submitted that he is working in Irrigation Department as Clerk at Aurangabad and is residing there. The dallan from which the recovery has been made does not belong to him and since last 10 years he is residing in Aurangabad town. In support of his contention, he produced the certificate of Mukhiya, Sarpanch and Ward Members. In fact, learned Senior Counsel for the petitioner made submissions before this Court that the petitioner has been falsely implicated in this case and in support of his submission learned Senior Counsel cited a report submitted by one Subhash Chandra Jha Sub-Inspector to the Superintendent of Police, Aurangabad saying that the room does not belong to the petitioner and he is residing at Aurangabad for last 10 years and is working in the Irrigation Department.

After considering the submissions of learned Senior Counsel for the petitioner and taking a prima-facie view of the



matter, this Court being conscious of the kind of submissions advanced on behalf of the petitioner vide its order dated 13.12.2021 directed the Superintendent of Police, Aurangabad to personally supervise this case and submit his supervision report. The relevant part of the order dated 13.12.2021 which made this Court to call upon the Superintendent of Police, Aurangabad to submit his report is recorded hereunder for a ready reference:-

“...Today, by filing a supplementary affidavit, learned Senior Counsel has placed before this court a copy of the report said to have been submitted by one Subhash Chandra Jha, S.I. of Police, Muffasil P.S. Aurangabad on 11.09.2020 to the Superintendent of Police, Aurangabad in response to the letter as contained in Memo No. 1022 of Public Grievance Redressal dated 13.08.2020. According to this report, in course of verification, it has come that the petitioner has been falsely implicated in this case. The people who were examined by Mr. Subhash Chandra Jha, S.I. of Police have stated that this petitioner had left his house after murder of his father and for last 3-4 years the petitioner is residing with his family at Aurangabad. The Mukhiya and



Sarpanch of the Gram Panchayat have also come to the rescue of the petitioner by supporting such facts.

The report of the S.I. of Police. (Annexure '5') attached with the supplementary affidavit raises a doubt on the prosecution case against the petitioner for the present, this Court, therefore, while calling for legible carbon/photostat copy of the case diary of Aurangabad Muffasil P.S. Case No. 120 of 2020 from the court of learned Additional Sessions Judge-II- cum-Special Judge, Excise, Aurangabad, directs the Superintendent of Police, Aurangabad to personally supervise this case and submit his supervision report with the case diary to this Court within four weeks from today.

It goes without saying that in his ultimate analysis if the Superintendent of Police, Aurangabad finds that there was any attempt to lodge a false case against the petitioner, the same shall also be duly investigated after registering appropriate FIR from that angle..."

This Court also granted an interim order directing that the petitioner shall not be arrested till next hearing of the matter, however, as and when required by Superintendent of Police,



Aurangabad or the Investigating Officer of the case, he will join the investigation and co-operate with the authorities.

In the aforesaid premise, now the Superintendent of Police, Aurangabad has submitted his supervision note and the kind of materials which have transpired in course of investigation have been taken note of in the said supervision note. A thorough inquiry with respect to the room from where the recovery has been made disclosed that the said plot is recorded in the name of the grandfather of the petitioner and it is the petitioner who is in possession of the said property. No other person claimed ownership or possession of the same in course of investigation.

The investigation further disclosed that the petitioner had got appointment on compassionate ground after death of his father who was murdered 6 months before his date of retirement. The service of this petitioner has been confirmed in the year 2019 only. The materials have come that his village is at a distance of 8 kilometers from Aurangabad and the petitioner was managing his households in the village by regularly coming and going using his motorcycle and further it has come that he has been found involved in the liquor business with the co-accused Devash Kumar Singh @ Dhandhan Singh who is a



dreaded criminal and has got huge criminal antecedents on his head. In between 01.07.2020 and 28.07.2020 at least 38 times they have talked with each other. So far as this petitioner is concerned, he has got criminal antecedents being Aurangabad (Muffasil) P.S. Case No. 398 of 2004 under Sections 147, 148, 149, 307 and 324 IPC read with Section 27 of the Arms Act, Aurangabad (Muffasil) P.S. Case No. 45 of 2009 under Sections 148, 308 and 356 of IPC read with Section 27 of the Arms Act and Aurangabad (Muffasil) P.S. Case No. 46 of 2009 under Sections 420, 467, 471, 487 and 488 IPC read with Section 47A of the Excise Act. The list of cases against the co-accused with whom the petitioner is allegedly operating is also mentioned in the supervision note. The report also says that because of the clout of the petitioner nobody in the village became ready to be a witness.

When the aforementioned facts mentioned in the supervision note came to the notice of Mr. Krishna Prasad Singh, learned Senior Counsel for the petitioner, learned Senior Counsel has taken a fair stand saying that he would not seek any mercy for the petitioner and the law must take its course.

Since this Court has found that the petitioner has obtained interim relief from this Court on completely false



statements made in his petition, this Court is of the considered view that he has played a fraud upon the Court also. The deponent in this case is the cousin of the petitioner.

In the circumstances stated above, this Court is of the considered opinion that the petitioner does not deserve privilege of anticipatory bail. He must surrender in this case within 3 days from today. It is open for the Superintendent of Police, Aurangabad to take all such steps as early as possible in accordance with law to arrest the petitioner and produce him in the learned court below. Three days' period mentioned in this order shall not be taken as any protection to the petitioner for these days.

Let a show cause notice be issued to the deponent Vinay Singh, son of Anirudh Singh, resident of Village-Dabura Khurad, P.S.-Aurangabad Town, District-Aurangabad calling upon him to show cause as to why an appropriate proceeding be not initiated against him for making false statements and thereby obtaining an interim relief for the petitioner from this Court.

A copy of this order be sent to the Superintendent of Police, Aurangabad through FAX and the order be also communicated to the office of Chief Engineer, Sichai Srijan



Water Resources Department, Aurangabad for verification of the service record of the petitioner to know as to whether these antecedents have been correctly informed to the Department.

List this case under the same heading with the show cause of the deponent and the report from the Chief Engineer, Sichai Srijan Water Resources, Auragabad after two weeks i.e. on 2<sup>nd</sup> February, 2022.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

