

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.286 of 2022

Arising Out of PS. Case No.-492 Year-2021 Thana- BASANTPUR District- Siwan

Pankaj Kumar Singh Son of Satyendra Singh Resident of Village - Kapripur
Lakri nabiganj, P.S.- Basantpur, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 14-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

This is an application for grant of anticipatory bail in
connection with Basantpur (Lakri Nabiganj O.P.) P.S. Case No.
492 of 2021 registered for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

As per F.I.R., it is alleged that on receiving secret
information that petitioner kept illicit liquor in Bamboo bush,
the police reached at the spot and recovered total 9.375 illicit
liquor, seeing the police petitioner and some other persons fled
away from the place of occurrence.



Learned counsel for the petitioner submits that recovery of the illegal liquor was from the Bamboo bush which does not belong to the petitioner. There is no recovery from the conscious possession of the petitioner and the name of the petitioner has transpired in the present case on the disclosure of local people due to local village politics. There is no material to show that the petitioner is involved in the offence. He has also submitted that the petitioner has no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer of anticipatory bail application of the petitioner, however, he has conceded that the recovery is made from the Bamboo bush.

Having heard learned counsel for the parties and Considering the recovery of 9.375 liters liquor from the Bamboo bush and that the petitioner has no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest/surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 Additional Sessions Judge 2nd-cum-Special Judge, Excise, Siwan in connection with Basantpur



(Lakri Nabiganj O.P.) P.S. Case No. 492 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

ved/-

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