

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36630 of 2023

Arising Out of PS. Case No.-308 Year-2020 Thana- BALIYA District- Begusarai

Munna Kumar @ Munna Singh S/o Parbhu Narayan Singh R/o Vill.
Rahatpur, PS. Balia, Dist. Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar

For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 31-07-2023 Heard the learned counsel for the petitioner and
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Balia P.S. Case No. 308 of 2020, registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30/32 of the Bihar Prohibition and Excise Act, 2018.

3. As per allegation, altogether 804.06 liters of liquor has been recovered from a ditch near the field of one Rajendra Singh.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. He further submits that the alleged recovery of liquor has been made from an open field. When the police reached the place where the liquor was kept, the accused persons including the petitioner started fleeing away. However, even as per the police, they have not seized any contraband from their possession and only on the basis of suspicion they have implicated the petitioner in this case. In village, there is general tendency amongst the people to flee away seeing the police, which does not necessarily mean that they have committed the offence.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated that the petitioner has been made accused in one more case.

7. However, the learned APP for the State has opposed the prayer for bail.

8. In view of the aforesaid facts and circumstances, no case, *prima facie*, is made out against the petitioner for want of any cogent legal material against him. Hence, the present anticipatory bail application is maintainable.



9. Considering the aforesaid facts and circumstances, the present petition is allowed directing the petitioner, above-named, to be enlarged on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Excise Judge-IInd, Begusarai, in connection with Balia P.S. Case No. 308 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.



(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail and charge is framed with regard to alleged subsequent offence, his bail-bond will be cancelled by the court below.

10. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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