

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48205 of 2023

Arising Out of PS. Case No.-1163 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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LOWKESH SINGH @ LOKESH SINGH son of Rajendra Singh Village-
Gopinathpur PS- Baruraj Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Advocate
For the Opposite Party/s : Mr.Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 11-08-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Muzaffarpur (Excise) PS case no. 1163 of 2023, registered for the offences punishable under Sections 30(a), 32(3) of Bihar Prohibition and Excise Act, 2016 (Amendment Act 2018-2022).
3. The allegation is regarding recovery of 366.125 liters of illicit foreign liquor from godown of one T.B.C. Cargo Private Limited Company and the petitioner is alleged to be the owner of the said company.
4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the



present case and is having a clean antecedent. The learned counsel for the petitioner, by referring to paragraph no. 10 of the present petition, has further submitted that the petitioner is not the owner of the said company and in fact, in the F.I.R. itself, it has been mentioned that the godown in question has been allotted by the *Zila Parishad* in the name of one Noman Ahmad Warsi, hence, it is submitted that the petitioner has got no complicity in the alleged occurrence. Consequently, it is the submission of the learned counsel for the petitioner that since no illicit liquor has been recovered either from the conscious possession of the petitioner or his godown or his house, the provisions of Bihar Prohibition and Excise Act, 2016 are not attracted in the present case. It is also contended that similarly situated co-accused persons have already been granted the privilege of bail by a co-ordinate Bench of this Court vide orders dated 24.07.2023 and 03.08.2023, passed in Cr. Misc. no. 46401 of 2023 and Cr. Misc. no. 50374 of 2023, respectively.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the parties and taking into account the materials available on record as also considering the fact that it is the categorical averment of the petitioner in the present petition that the godown in question does not belong to the petitioner and in fact, in the F.I.R. itself, it has been mentioned that the said godown has been allotted by the *Zila Parishad* in the name of one Noman Ahmad Warsi, as also taking into account the fact that no illicit liquor has been recovered from the conscious possession of the petitioner, I find that *prima facie*, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as the present bail petition is concerned, thus the bar under Section 76(2) of the Act, 2016 shall not be an impediment for the purpose of grant of anticipatory bail to the petitioner herein, hence I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/ surrender before the court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Court No. II, Muzaffarpur in connection with Muzaffarpur (Excise) PS



case no. 1163 of 2023, subject to the conditions as stipulated
under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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