

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54719 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- SINDHIYA District- Samastipur

SANJIT SINGH @ SANJEET SINGH S/O Jawahar Singh @ Jawahar Prasad
Singh R/O Village- Balthari, P.S.- Ghanshyampur, Dist. Darbhanga, At
Present Residing At Village- Borhi, P.S.- Singhiya, Dist. Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the Petitioner and
learned APP for the State

2. Petitioner apprehends his arrest in connection with
Singhia P.S. Case No. 59 of 2023 dated 27.03.2023 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. The main submissions advanced by petitioner's
counsel are that the instant matter relates to the recovery of 750
ml of *foreign liquor* and as per allegation, the alleged recovery
was made from a forest area situated behind the house of this
petitioner and petitioner has been made accused merely on the
basis of secret information and suspicion and the alleged offence
of Excise Act does not *prima facie* attract against him. It is



further submitted that against the petitioner there is one criminal antecedent which was lodged in the year 2011 in which he is on bail.

4. Learned APP appearing for the State has opposed the prayer for bail.

5. Heard both the sides and perused the FIR and the seizure list. The recovery of the alleged liquor is stated to have been made from a forest area which is not stated to be in the possession of this petitioner though, as per allegation, the said place is situated behind the house of this petitioner but the said fact is not sufficient to drag the petitioner in the alleged crime and the FIR goes to show that merely on the basis of said recovery as well as on secret information petitioner has been made accused and these facts are sufficient to show that the alleged offence of Excise Act does not prima facie attract against the petitioner accordingly, petitioner's prayer for anticipatory bail is maintainable and this Court is inclined to accept his prayer for anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount



each to the satisfaction of the Court concerned in connection with Singhia P.S. Case No. 59 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J.)

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