

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54930 of 2023

Arising Out of PS. Case No.-570 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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Abhishek Singh son of Ramesh Singh, Village- Ramgadh P.O.- Khalwa, P.S.-
Nautan, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-08-2023 Heard learned Counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Siwan Excise P.S. Case No. 570 of 2023 dated 04.06.2023, lodged under Section 30(a) of Bihar Prohibition & Excise (Amendment) Act, 2022.

3. As per prosecution case, total recovery of 990 litre illegal country made liquor has been made, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner has illegally been dragged in this case on the basis of suspicion and nothing has been recovered from the

conscious possession of the petitioner. Counsel also submits that petitioner has not been apprehended from the place of occurrence and petitioner is neither the owner nor the driver of the seized Scorpio vehicle.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that petitioner has already one criminal antecedent under Section 30(a) of Bihar Prohibition and Excise Act.

6. In this view of the matter, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Siwan Excise P.S. Case No. 570 of 2023 to the satisfaction of learned Exclusive Special Excise Judge-2, Siwan.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

8. However, the learned Court below shall consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of four weeks.

9. The present order shall not cause any prejudice to the petitioner.

(Dr. Anshuman, J.)

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