

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55844 of 2023

Arising Out of PS. Case No.-351 Year-2019 Thana- BIHIA District- Bhojpur

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Bipin Kumar Singh S/O Rajnath Singh R/O Village- Jhaua, P.S. Bihiya, Dist.
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pranaw Kumar, Advocate
		Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-11-2023 Heard Mr. Pranaw Kumar, learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Bihiya P.S. Case No. 351 of 2019, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

3. Allegedly, the police on a confidential information seized a Ten Wheeler Truck, however, on noticing the police party, the accused persons who were engaged in unloading, succeeded in fleeing away. On search, 7257.600 liters illicit foreign liquor was recovered. The Mahal Chaukidar, who was present at the time of occurrence disclosed the name of the



petitioner and others.

4. Learned counsel appearing on behalf of the petitioner submits that save and except the disclosure made by the Mahal Chaukidar, there is no material suggesting the complicity of the petitioner, in fact during the course of investigation, the very presence of the Mahal Chaukidar was doubted and this fact also fortified for the simple reason that Mahal Chaukidar has not been made seizure list witness. He further submits that there are other infirmities in the seizure list, inasmuch as, the witnesses are none else but the police personnels. He next submits that the name of the petitioner has been implicated in this case only on account of his past criminal antecedent of identical nature, though the petitioner is on bail in the said case. He lastly submits that the petitioner undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that a huge amount of foreign liquor has been recovered and the petitioner was identified while fleeing from the place of occurrence.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of



the petitioner has transpired on the disclosure made by the Mahal Chaukidar, whose presence has also been doubted during the course of investigation. That apart, there is no material suggesting the complicity of the petitioner and his connection in the recovered foreign liquor or with the truck, in question, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Excise Special Excise Court No. 1, Bhojpur at Ara in connection with Bihiya P.S. Case No. 351 of 2019, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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