

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62475 of 2023

Arising Out of PS. Case No.-318 Year-2022 Thana- BASANTPUR District- Siwan

PRINCE KUMAR @ PRINCE KUMAR SINGH, S/O Jitan Singh @ Jawahir Singh, R/O Village- Pakri Nauratan, Satjora Bazar, P.S- Panapur, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate
For the State : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity 'APP') appearing for the State of Bihar.

2. The petitioner is apprehending his arrest in connection with Basantpur P.S. Case No. 318 of 2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 241.920 liters liquor has been recovered from a *Scorpio*. Two persons who have been apprehended have stated that the petitioner is amongst the four five persons who fled away.

4. Learned counsel for the petitioner submits that because of petitioner's implication earlier in a case under the



Bihar Prohibition and Excise Act, his name has been dragged in this case attributing the same to be statement of a co-accused which has been recorded in custody. The submission is that neither the *Scorpio* belongs to the petitioner nor he has any concern with the illicit liquor. No case is made out against the petitioner.

5. The learned APP for the State has opposed the prayer for anticipatory bail, referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that pre-arrest bail would not be maintainable.

6. This Court is conscious of decision of the Full Bench in the case of *Ram Vinay Yadav vs. State of Bihar* reported in **2019(2) PLJR 1089**. Having regard to the law laid down in the said judgment and upon consideration of the rival submissions, as well as nature of accusations, this Court finds that the conditions for grant of anticipatory bail exists. The court, therefore, is inclined to allow the prayer for bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge, Court No.- 01, Siwan, in connection with Basantpur P. S. Case No. 318 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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