

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64158 of 2023**

Arising Out of PS. Case No.-170 Year-2023 Thana- MOTIPUR District- Muzaffarpur

SHASHI SINGH @ SHASHI BHUSAN SINGH S/O LATE DEO
NARAYAN SINGH R/O VILLAGE- PURANI BAZAR, PS. MOTIPUR,
DIST. MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey
For the Opposite Party/s : Mr.Bharat Bhushan

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 19-10-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Motipur PS Case No. 170 / 2023 dated 05-06-2023 registered under Sections 272, 273 / 34 of the I.P.C. and Section 30 (a), 41(1)(2) of the Bihar Prohibition and Excise Act.

3. As per the F.I.R. the Police got secret information that some spirit for the purpose of making liquor has been brought by Suman Rai, the Police party proceeded towards his house and when the Police party reached there at about 4:00 A.M. saw that one Bolero vehicle was standing in front of his house and two persons were sitting therein. Upon seeing the Police party the accused persons came out and succeeded in fleeing away. The Chaukidar identified the persons who fled



away as Suman Rai and Shashi Singh (i.e. the petitioner). A total quantity of 105 liters of spirit has been recovered from the Bolero vehicle.

4. Learned counsel for the petitioner submits that petitioner is having no criminal antecedent and he is an Ex-Army Man. The petitioner has falsely been implicated on the basis of disclosure of his name by the local Chaukidar. Referring to the F.I.R., learned counsel submits that even the father's name of the petitioner is not mentioned in the First Information Report. The Bolero vehicle from where spirit has been recovered does not belong to the petitioner which the petitioner has stated in paragraph no. 8 of this application.

5. Regard being had to the submission made by the parties, taking into consideration the fact that petitioner is an Ex-Army Man having no criminal antecedent and the Bolero vehicle from where illicit spirit has been recovered does not belong to the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with



two sureties of the like amount each to the satisfaction of Exclusive Spl. Judge Excise, Court No. II, Muzaffarpur in connection with Motipur PS Case No. 170 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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