

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72347 of 2023

Arising Out of PS. Case No.-542 Year-2023 Thana- AMARPUR District- Banka

Karu Singh @ Brajesh Kumar Singh, aged about 33 years, Male, Son of Mithilesh Prasad Singh @ Mithilesh Kumar Singh, Resident of Village - Molanachak, Police Station- Amapur, District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Md. Nurul Hoda, Advocate
For the Opposite Party : Mrs. Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-11-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Amarpur P.S. Case No. 542 of 2023 dated 27.07.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.



4. As per the prosecution case, total 24 litres of country made liquor was recovered from the field of the co-accused Mithilesh Singh who is the father of the petitioner.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating article has been recovered from the conscious possession of the petitioner rather the alleged liquor was recovered from the outside of his house i.e., on field which is about ½ kilometer from the house of the petitioner. Hence, no case is made out under Section 30(a) of the Excise Act. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Banka in connection with Amarpur P.S. Case No. 542 of 2023, subject to the condition as laid down under Section 438(2) of



the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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