

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32352 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- Excise P.S. District- Vaishali

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Randhir Kumar Singh @ Randhir Kumar Son of Bhola Prasad Singh Resident
of village- Purkhauli, Ward No. 05, Police Statoin- Lalganj, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-05-2024 Heard Mr. Bijay Bhushan Prasad, 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 Hajipur Excise P.S. Case No. 75 of 2024, registered for the
offences punishable under Sections 30(a), 32(1)(3) and 45 of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police on a secret information with regard to
the trafficking of illicit wine conducted raid. Noticing the police
party, three persons started fleeing away, however, out of three,
two persons were apprehended, who disclosed the name of the
petitioner as one of the accomplice. It is further alleged that on
search total 164.160 liters of Indian made foreign liquor was
recovered from a husk house.



4. Learned Advocate for the petitioner contended that barring disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioner in present crime. He further drew the attention of this Court to the seizure list and submitted across the Board that the place of seizure is not even mentioned in the seizure list and it is only written that the recovery has been made from Purkhauli, Ward No. 5, P.S. Lalganj. Moreover, the seizure list witnesses are none else but the police personnel, this also cast suspicion over the entire prosecution case. The petitioner is a man of fair antecedent and he undertakes before this Court 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 the name of the petitioner has been disclosed by the apprehended person. That apart, anticipatory bail is not maintainable.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioner making out a case under the provisions of the Excise Act; attracting any bar of anticipatory bail. The recovery has also been made from



an open place, which is easily accessible to all and there is nothing on record suggesting that the place of occurrence was in the possession of the petitioner, 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.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 2, Cum Additional District and Sessions Judge, Vaishali at Hajipur in connection with Hajipur Excise P.S. Case No. 75 of 2024, 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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