

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39939 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

Dipak Singh Son of Hira Lal Prasad Resident of Village- Bithuna, P.S-
Basantpur, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Veena Kumari Jaiswal

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 25-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Baikunthpur P.S. Case No. 31 of 2024 registered for the offences punishable under Section 30(a), 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, the police, on receipt of secret information, recovered total 470 liter liquor from the Bolero vehicle bearing Regd. No. BR28G0877.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious/constructive possession of



the petitioner. The name of the petitioner has surfaced in this case on the basis of disclosures made by the co-accused Pappu Singh. He further submits that none of the witnesses who were present at the place of occurrence have identified the petitioner except the local Chaukidar. The petitioner is not the owner of the alleged Bolero vehicle. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present application. The petitioner has no concern with the alleged occurrence or the seized liquor or the vehicle, in question. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner further submits that the co-accused Papu Singh @ Pappu Singh has been granted regular bail by this Court vide order dated 22.04.2024 passed in Cr. Misc. No. 30531 of 2024.

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

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned



Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Baikunthpur P.S. Case No. 31 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

