

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41618 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- BARAULI District- Gopalganj

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Vinod Singh @ Vinod Kumar, S/o Ramlochan Singh, R/o Vill - Jagdishpur,
P.S. - Jamo Bazar, Distt - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Adv.

For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Barauli P.S. Case No. 451 of 2023 dated 03.11.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Mr. Pankaj Kumar Dubey, learned counsel for the petitioner submits that though the petitioner is named in the FIR but the alleged offence of Excise Act under which the FIR has been registered is not made out even prima facie against this petitioner as admittedly, the alleged liquor is said to have been recovered from a public place and the said recovery was made in darkness from a bush near the bank of a river. Learned



counsel further submits that the petitioner has been made accused merely on the basis of information given by gathered people at the alleged place but the names of said gathered people who disclosed the identity of the petitioner have not been given in the FIR so, the said disclosure is completely vague.

4. Though Mr. Parmanand Prasad, learned APP for the State has opposed the bail prayer of the petitioner but fairly accepted that the petitioner has been made accused mainly on the basis of disclosure made by the gathered people.

5. Considering the above submissions and mainly taking into account the above defences taken by the petitioner which shows that the petitioner has been made accused in the present case merely on the basis of disclosure made by the people who gathered at the place of recovery and the recovery place is not said to be under the possession of the petitioner and in the FIR, the details of the persons who disclosed the identity of this petitioner has also not been revealed so, in view of these facts, the petitioner is entitled to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, 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 bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of
the Court concerned in connection with Barauli P.S. Case No.
451 of 2023, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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