

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50021 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- DAWATH District- Rohtas

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PRINCE KUMAR @ PRINCE SINGH S/O SATYENDRA SINGH @
SATENDRA SINGH R/O VILLAGE- DEVDHI TOLA, P.S- DAWATH,
DISTT.- ROHTAS.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashi Kant, Advocate
For the Opposite Party/s : Mr.Md. Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Dawath P.S. Case No. 40 of 2024 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, 83.520 litre foreign liquor was recovered from the cowshed of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case in which he is



on bail. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the place of recovery is an open place which is accessible to all and the petitioner cannot be held liable for the alleged recovery. Seizure list has not been prepared as per law. Petitioner was not present at the place of occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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 learned Exclusive Special Judge Excise Court No. 1, Rohtas at Sasaram in connection with Dawath P.S. Case No. 40 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. The application stands allowed.

(Alok Kumar Pandey, J)

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