

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50133 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- SAHEBPUR KAMAL District- Begusarai

1. Fantush Singh @ Ram Pravesh Kumar @ Fantush Kumar Son of Ram Binod Singh Resident of Samastipur Chawari Tola, P.S.- S. Kamal, District- Begusarai.
2. Lantush Singh @ Raman Kumar @ Lantush Kumar Son of Ram Binod Singh Resident of Samastipur Chawari Tola, P.S.- S. Kamal, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-08-2024 Learned counsel for the petitioners submits that petitioner no. 1 Fantush Singh @ Ram Pravesh Kumar @ Fantush Kumar has been arrested and the present anticipatory bail petition on his behalf has become infructuous and seeks permission to withdraw the present petition on behalf of petitioner no. 1 Fantush Singh @ Ram Pravesh Kumar @ Fantush Kumar.

2. Permission is accorded.

3. Accordingly, the present petition on behalf of petitioner no. 1 Fantush Singh @ Ram Pravesh Kumar @ Fantush Kumar has been dismissed as withdrawn.

4. Heard learned counsel for the petitioner and learned



APP for the State.

5. In the present case, the petitioner no. 2 is apprehending his arrest in connection with S. Kamal P.S. Case No. 79 of 2024, registered on 25.03.2024 for the offences under Section 30(a) of Bihar Prohibition and Excise Act.

6. As per prosecution case, on receipt of secret information that the petitioner and co-accused persons were involved in sell and purchase of illicit liquor, a raid was conducted at certain identified place, two persons were apprehended and two persons fled away from the spot. The petitioner is said to be the person who fled away from the spot along with co-accused Fantush Singh @ Ram Pravesh Kumar @ Fantush Kumar. From the apprehended co-accused persons 15 litres of country made liquor each was recovered and it is alleged that the escaped miscreants left behind 15 litres each of country made liquor, respectively.

7. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and petitioner is having clean antecedent in this case. Nothing incriminating was recovered from the person or possession of the petitioner and the petitioner has nothing to do with the seized liquor or the place from where the seizure has



been made. Learned counsel further submits that in the facts and circumstances no offence under Excise Act is made out against the petitioner.

8. Learned APP opposes the submission made on behalf of the petitioner.

9. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and further considering the lack of material and doubtful nature of allegation against the petitioner, let the petitioner no. 2 above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. - II, Begusarai/concerned court in connection with S. Kamal P.S. Case No. 79 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present



on each and every date fixed by the
court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

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