

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63996 of 2024

Arising Out of PS. Case No.-438 Year-2023 Thana- MADANPUR District- Aurangabad

Randhir Kumar Singh @ Randhir Singh son of Sharu Singh @ Saryu Singh
Village- Pipra, Ps- Kutumba, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mukul Kumari, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with G.R. No. 1198 of 2023 arising out of Madanpur P.S. Case No. 438 of 2023 registered for the offences punishable under Sections 30(a), 34 and 36 of Bihar Prohibition of Excise Act, 2018.

3. As per prosecution case, 665 litres country made liquor spirit was recovered from poultry farm of co-accused Arun Singh. It is alleged that the petitioner is one of the accused persons who is said to have fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The alleged recovery has not been made from the conscious possession of the petitioner rather the said recovery is from the poultry farm of the co-accused Arun Singh and the



petitioner cannot be held liable for the said recovery. There is no compliance of Section 100 of the Cr.P.C. The petitioner bears one criminal antecedent which is not similar to the present case and the petitioner is on bail in the said case. In the light of aforesaid facts and circumstances, no offence is made out against the petitioner under 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 their 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) each with two sureties of the like amount each to the satisfaction of learned Court of Special Judge of Excise-01, Aurangabad in connection with Madanpur P.S. Case No. 438 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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