

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66035 of 2024

Arising Out of PS. Case No.-167 Year-2019 Thana- KARAHGAR District- Rohtas

Hareram Singh Son of Sri Vijay Singh @ Vijay Kumar Singh, resident of
Village- Sonbarsa, Ps- Karhagar, Dist- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 22-11-2024 Heard the learned counsel for the petitioner and
learned APP for the State.

2. This is an application for grant of anticipatory bail
in connection with Karagahar P.S. Case No.167 of 2019,
registered for offences under Sections 272, 273 of the IPC and
30(a) of Bihar Prohibition and Excise Amendment Act, 2016

3. The prosecution case, in brief, is that the police
upon having intercepted a truck, had recovered 4976.640 liters
of illicit liquor and the name of the petitioner, though does not
figure in the FIR, however his name has transpired during the
course of investigation.

4. The learned counsel for the petitioner has submitted
that the petitioner is innocent, he has been falsely implicated in
the present case. It is submitted that though the petitioner is



accused in other cases, however, he is on bail in the said cases and moreover, due to his bad antecedent, he has been falsely implicated in the present case. It is further further submitted that no evidence has been collected during the course of investigation by the police so as to connect the petitioner with the alleged occurrence. It is contended that neither the petitioner has been apprehend from the spot nor any recovery of illicit liquor has been made from his possession or his house nor the truck in question belongs to the petitioner, hence no offence is made out under the provisions of the Bihar Prohibition and Excise amendment Act, 2016 (hereinafter referred to as the 'Act, 2016'). Lastly, it is submitted that co-accused person, namely, Arvind Choubey @ Aravind Chaube has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, vide order dated 27.07.2021, passed in Cr. Misc. No. 11101 of 2021. It is also submitted that some of the co-accused persons have also been granted regular bail by co-ordinate Benches of this Court.

5. *Per contra*, the learned APP for the State has though vehemently opposed the prayer for bail, however, upon going through the case diary, she has not been able to point out any substantial material, which has been collected by the police



during the course of investigation so as to indict the petitioner in the alleged crime.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, as also taking into account the materials available on record as also in the case-diary, this Court finds that neither the petitioner is owner of the truck in question nor he has been arrested from the spot nor any illicit liquor has been recovered from his possession or his house, hence the bar under Section 76(2) of the Act, 2016 shall not be an impediment for grant of anticipatory bail to the petitioner herein, moreso in absence of any substantial material in the case diary so as to connect the petitioner with the alleged crime, hence I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, Excise Court No.1, Rohtas, Sasaram in connection with Karagahar P.S. Case



No.167 of 2019, subject to the conditions as stipulated under
Section 438(2) of the Code of Criminal Procedure

(Mohit Kumar Shah, J)

Kanchan,Suruchi/-

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

