

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76750 of 2024

Arising Out of PS. Case No.-464 Year-2023 Thana- BASANTPUR District- Siwan

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Amit Kumar @ Munna Singh S/o Dinesh Singh R/o village- Jagatpur
Mahuari, PS- Lakari Naviganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr Harendra Kumar Singh

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Basantpur P.S. Case No. 464 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Excise Liquor Prohibition Act, 2016.

3. As per prosecution case, informant got secret information that petitioner alongwith others brought the consignment of illicit liquor. Thereafter, informant alongwith police officials reached at the spot and after seeing the police, petitioner and others fled away. Thereafter, 293.760 litre illicit liquor was recovered from two motorcycles bearing Registration Nos. BR-29U-8384 and BR-04C-7429 near the poultry farm of co-accused Virendra Pandey.



4. Learned counsel further submits that in the F.I.R., it has been mentioned that the name of the petitioner has been surfaced in this case on the basis of confidential information but the source of information has not been disclosed in the F.I.R. Hence, the authenticity of the F.I.R. is doubtful. Petitioner bears criminal antecedent of two cases out of which one case i.e. Basantpur P.S. Case No. 516 of 2023 is filed after lodging of the present case and in Basantpur P.S. Case No. 133 of 2014, petitioner is on bail. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case merely on suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Seizure list has not been made as per law. Petitioner was not found 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 Excise, Court No. 1, Siwan in connection with Basantpur P.S. Case No. 464 of 2023, 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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