

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75461 of 2024

Arising Out of PS. Case No.-300 Year-2024 Thana- DARIYAPUR District- Saran

1.

Nitesh Kumar Singh @ Nitesh Kumar Son of Late Sudhir Singh Resident of Village- Village- Matihan, P.S.- Dariyapur, Distt.- Saran (Chapra)
2.

Deep Narayan Singh Son of Late Nawal Singh Resident of Village- Village- Matihan, P.S.- Dariyapur, Distt.- Saran (Chapra)
3.

Biba Devi @ Bibha Devi Wife of Late Sudhir Singh Resident of Village- Village- Matihan, P.S.- Dariyapur, Distt.- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra,Advocate
For the Opposite Party/s : Mr.Pradeep Narain Kumar,APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 14-11-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Dariyapur P.S. Case no. 300 of 2024 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on information having been received about petitioner no. 2 keeping and dealing in liquor at his house, it is stated that a raid was conducted. Seeing the police personnel all the three petitioners managed to escape. On search 221.85 litres of indian made foreign liquor was recovered. The informant further states on inquiry it transpired



that all the three accused persons are involved in sale and purchase of liquor.

4. It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. Though the petitioner no. 1 happens to be the son of the petitioner no. 3, however they have no concern with petitioner no. 2. It is further submitted that they were not present at the place of occurrence i.e. the house of the petitioner no. 2. Further with respect to petitioner no. 2 it is submitted that no incriminating article has been recovered from his house. None of the petitioners have any criminal antecedent.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R and recovery of 221.85 litres of indian made foreign liquor from the house of petitioner no. 2 Deep Narayan Singh, the Court is not inclined to enlarge the petitioner no. 2 on anticipatory bail and the application is rejected.

7. The petitioner no. 2 is directed to surrender in the learned trial Court within a period of four weeks.

8. In the facts and circumstances of the case, the petitioner no. 1 and petitioner no. 3 not having been arrested at



the spot, no incriminating article having been recovered from their possession, their not having any connection with the petitioner no. 2 from whose house the alleged recovery is said to have taken place and especially their not having any criminal antecedent under the Bihar Prohibition and Excise Act, 2016, it is directed that both the petitioner no.1 Nitesh Kumar Singh and petitioner no.3 Bibha Devi, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Dariyapur P.S. Case no. 300 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Exclusive Special Judge Excise, Saran at Chapra.

(Partha Sarthy, J)

Harsh/-

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

