

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78729 of 2024

Arising Out of PS. Case No.-477 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

Shashi Kumar Singh Son of Jai Ram Singh Resident of Village - Semaria
Koleri Tola, P.S.- Nautan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-11-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Siwan Muffasil P.S. Case No. 477 of 2024 dated 19.08.2024 registered under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the F.I.R. 900 liters of country made liquor has been recovered from a Scorpio vehicle and the spy disclosed the name of the persons who fled away from the spot as Shashi Kumar Singh (i.e. petitioner) and Ashish Sah.

4. Learned counsel for the petitioner submits that no incriminating article and / or illicit liquor has been recovered from the conscious possession and / or vehicle belonging to the petitioner. He submits that during search and seizure the provisions contained in Section 100 Cr.P.C. have not been



followed. The Police has not disclosed the name of the spy and the source of information which shows *mala fide* action of Police. The petitioner has got no criminal antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the conscious possession of the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today 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-II, Siwan in connection with Siwan Muffasil P.S. Case No. 477 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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