

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83582 of 2024

Arising Out of PS. Case No.-558 Year-2023 Thana- MADHAURAH District- Saran

Appu Singh @ Gautam Singh, S/o Jay Prakash Narayan Singh @ Jayprakash Singh, R/o Village- Bikrampur (Vikrampur), P.S.- Marhowrah, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-12-2024 Heard Mr. Dewendra Narayan Singh, learned counsel for the petitioner and Mr. Arun Kumar Singh, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Marhowrah P.S. Case No. 558/2023 dated 05.09.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act (in short 'Excise Act').

3. The main submissions advanced by learned counsel for the petitioner are that the petitioner has been made accused for the offence under section 30(a) of the Bihar Prohibition & Excise Act with the allegation that five bottles each containing 375 ml of English liquor were recovered near the poultry farm



of the petitioner and in this regard, seizure list enclosed with the FIR is relevant which clearly shows that the alleged liquor was not recovered from the inside of the poultry farm of the petitioner. It is further submitted that the petitioner has not remained involved in any crime including similar nature of offence as alleged in this matter and in view of the allegations, the alleged offence of Excise Act does not attract even *prima facie* against this petitioner and his prayer for anticipatory bail is maintainable.

4. Though learned APP has opposed the bail prayer of the petitioner but fairly accepted that the alleged liquor was not recovered from the inside of poultry farm rather the same was recovered near the poultry farm of the petitioner.

5. Having considered the submissions made above, this Court finds that the police has made this petitioner an accused for keeping liquor merely on this ground that the alleged seized liquor was recovered near his poultry farm and further, the allegation is that when the police party raided the petitioner's poultry farm then the persons, who gathered there, disclosed the name of this petitioner as being involved in smuggling of liquor and in the opinion of this Court, these allegations are not sufficient to attract the alleged offence under



Excise Act even *prima facie* against the petitioner, hence, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Marhowrah P.S. Case No. 558/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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