

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81592 of 2024

Arising Out of PS. Case No.-442 Year-2024 Thana- KANTI District- Muzaffarpur

Himanshu Singh @ Tuttu @ Himanshu Kumar Son of Arvind Singh Resident
of Village - Bajhila, P.S.- Kanti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate
For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-12-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with Kanti P.S.
Case No. 442 of 2024, dated 18.08.2024, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. As per allegation, 42.48 litre of illicit liquor has
been recovered from the house of the petitioner and 749.41 litre
of illicit liquor has been recovered from the place adjoining the
house of the petitioner.

4. Ld. counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that the whole search and seizure is



false and fabricated. He further refers to Section 105 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, as per which the police is mandatorily required to do videography of the whole search and seizure. But nothing of the sort has been done by the police which shows that the search and seizure of the illicit liquor is nothing but false and fabricated and no case is made out against the petitioner. Hence, the petitioner is entitled to get anticipatory bail.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in one other case.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Judge, Excise Court No.-II, Muzaffarpur in connection with Kanti P.S. Case No. 442 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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