

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79480 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

Arvind Kumar Singh Son of Bhgirath Singh Resident of Village- Bargaon
Ghugha Tola, PS- Mairwa, Distt.- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

2 28-11-2024 Heard learned counsel for the petitioner and Md.

Anzarul Haque Sahara, learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Siwan Muffasil P.S. Case no. 28 of 2024 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The case of the prosecution is that altogether 631.41liters of liquor was recovered from a Scorpio at the time of raid. The driver of the Scorpio managed to escape.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. During the investigation, it has come that the petitioner is the owner of the said Scorpio. It has been argued by the learned counsel for the petitioner that he has handed over the Scorpio to



the driver and he is having no knowledge regarding the said liquor. A statement has been made in para-3 of this petition that the petitioner has criminal antecedent of two cases which are of different nature. The petitioner was not apprehended at the place of search and nothing has been recovered from his possession.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Siwan Muffasil P.S. Case No. 28 of 2024, he will be enlarged on 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.II, Siwan subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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