

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85765 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- Bhalpatti District- Darbhanga

Prabhat Kumar Singh Son of Kaushal Singh Resident of Village - Kawalu,
P.S. - Daru, District - Hazaribagh, State - Jharkhand - 825313

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Danish Quamar, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, Adv.

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

2 13-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in a case instituted for the offence punishable under Sections 30(a), 41(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. Prosecution case relates to recovery of 504.375 litres of Indian Made Foreign Liquor from a Truck bearing Reg. No. JH-19A-4483.

4. Learned counsel appearing for the petitioner submitted that petitioner is innocent and he has falsely been implicated in the present case. Neither the petitioner was apprehended on the spot nor anything incriminating has been recovered from his conscious possession. He has no concern with the seized illicit liquor. Proper procedure of search and



seizure has not been followed in this case as there is no independent witness of the alleged seizure. Name of petitioner sprang up in this case merely because he is the registered owner of the aforementioned Truck which is used for commercial purpose, to which the driver has taken away to Hazaribagh. It is further submitted that petitioner is ready to deposit Rs. 15,000/- (fifteen thousand rupees) in the District Legal Services Authority.

5. Learned A.P.P. for the State has vehemently opposed the prayer of bail and submitted that petitioner is registered owner of the Truck from which huge amount of illicit liquor has been seized.

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 Bhalpatti P.S. Case no. 54 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 Special Judge I, Exclusive Special Court (Excise Act), Darbhanga, subject to the conditions as laid down



under section 438(2) of the Cr.P.C.

7. The petitioner is directed to deposit a sum of Rs. 15,000/- (fifteen thousand rupees) in the District Legal Services Authority of concerned district.

8. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 15,000/- (fifteen thousand rupees) in the District Legal Services Authority of concerned District.

(S. B. Pd. Singh, J)

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