

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85918 of 2024

Arising Out of PS. Case No.-864 Year-2021 Thana- FATUA District- Patna

BALMIKI SINGH S/O Late Chalitar Singh @ Charitra Singh R/O Village-
Gauripunda, P.S- Fatuha, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-12-2024 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in the provision of law under which the present application has been filed.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner is apprehending arrest in connection with Fatuha P.S. Case No. 864 of 2021 registered for the offences punishable under Sections 30(a)/ 56(C) of the Bihar Prohibition and Excise (Amendment) Act.

4. As per prosecution case, on receiving information that petitioner is preparing illicit liquor, police reached at the place of occurrence and saw four persons are preparing liquor. On seeing police, all the four persons started fleeing. Police chased them and apprehended three accused persons namely,



Dharmendra Bind, Bhushan Prasad and Sunil Singh, who disclosed that they were preparing the illicit liquor for the present petitioner.

5. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report. Petitioner and co-accused persons are co-villagers and on account of village politics petitioner has been falsely implicated in this case. He further submits that except disclosure of co-accused persons, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

6. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Special Judge Excise, Patna City in connection with Fatuha P.S. Case No. 864 of 2021, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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