

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2678 of 2024

Arising Out of PS. Case No.-862 Year-2023 Thana- AURANGABAD TOWN District-
Aurangabad

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Niraj Singh @Neeraj Kumar Singh, S/O Dinesh Singh, R/O Village-Kathrua,
P.S.-Aurangabad Town, District-Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate
For the Opposite Party/s : Mrs. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Aurangabad Town P.S. Case No. 862 of 2023, registered on 28.11.2023 for the offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, recovery of 31.86 litres of country made liquor was made from bushes in front of one hospital on National Highway-2. During investigation, the police came to know about the petitioner fled away from the spot when the raid was being conducted.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case merely on suspicion. Recovery has been made from an open place and the petitioner has no knowledge or concern with the seized liquor. The informant of the present case has lodged a number of cases against this petitioner on 11.10.2023, 16.10.2023 and 17.10.2023 with similar allegation. There is nothing on record to connect the petitioner with the offence as alleged and no recovery has been shown from the conscious possession of this petitioner. Petitioner was not apprehended from the spot. Petitioner is accused in four criminal cases. Out of four cases, three cases have been registered by the same informant.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of this petitioner and also considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand



Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.01, Aurangabad/court concerned in connection with Aurangabad Town P.S. Case No. 862 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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