

IN THE COURT OF Addl. SESSION JUDGE 4th, KAIMUR AT BHABHUA

Anticipatory Bail Petition No. 596 of 2019

Sudarshan Singh V/s STATE

28.06.19

This anticipatory bail petition has been filed by the petitioner namely **Sudarshan Singh** who is apprehending his arrest in connection with Bhabhua P.S No. 301 of 2019 registered for the offence U/s 30(A) of Bihar Excise Act. Heard Sri Ramesh Chandra Singh learned counsel for the petitioner and learned Spl PP for the State.

The prosecution story in short is that the informant get an secret information that the petitioner is selling wine and store liquor in his house, accordingly for its verification raid has been made and 26 bottle each containing 200ml country made wine has been recovered from Khalihaan. Thereafter in presence of independent witnesses seizure list prepared. Hence this case.

The learned counsel on behalf of the petitioner submitted that petitioner is innocent and has not committed any offence. Petitioner's name is falsely indulged in this case and nothing has been recovered from the conscious possession of the petitioner. Hence petitioner be granted anticipatory bail.

The learend Spl PP has submitted that the allegation against the petitioner is relating to Excise Act and as per section 76(2) of the Bihar Prohibition and Excise Act 2016 the anticipatory bail petition is not maintainable.

Since there is accusation of recovery of illegal liquor and prima-facie case is made out against this petitioner. Hence I am not inclined to grant the privilege of pre-arrest bail to the petitioner. Hence prayer of the petitioner stands **rejected**. (Dictated)

Sd/

ADJ Ivth cum Spl. Judge(Ex)

