

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35837 of 2016

Arising Out of PS.Case No. -247 Year- 2016 Thana -BIHTA District- PATNA

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1. Akhilesh Prasad S/o Late Sahdeo Prasad, Residence of vill- Akhtiyarpur,
P.S.- Bihta, Town & District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhendra Kumar

For the Opposite Party/s : Mr. Aditya Narayan Singh No-1(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 26-09-2016

Heard both sides.

Petitioner apprehends his arrest in connection with
Bihta P.S. case no. 247 of 2016 registered under Sections 271,
272/34 of the IPC and Section 47,49, 53(c) of the Bihar Excise
Amendment Act, 2016.

On a secret information that the petitioner was
engaged in production of country made liquor (Mahuwa wine) in
the orchard , a raid is said to have been conducted and two persons
namely, Nandu Sao and Sonu Kumar who is son of the petitioner
were arrested. Seven litres of Mahuwa wine kept in jarkin and five
litres of Mahuwa wine kept in another jarkin were recovered
from the place of occurrence. It is alleged that the petitioner was
involved in the production of Mahuwa liquor.



Contention of the petitioner is that except the suspicion that he was involved in production of the country made liquor, there is no other material. The son of the petitioner was present and as such his name transpired. The accused persons arrested at the scene of occurrence have been released on bail by the learned Court below. The petitioner has no criminal antecedents.

Considering the above, this Court is inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Danapur, in connection with Bihta P.S. case no. 247 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in

such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.



(Kishore Kumar Mandal, J)

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