

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22079 of 2017

Arising Out of PS.Case No. -17 Year- 2017 Thana -BYPASS District- PATNA

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1. Anil Beldar @ Tiger aged about 36 years, Son of Umesh Bind @ Umesh Prasad, Resident of Village- Sidhe Bazar, P.S. Bypass, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 18-05-2017 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a)/37 of the Bihar Prohibition and Excise (Amendment) Act, 2016.

Co-accused Sunil Kumar was apprehended by the police and on his disclosure liquor was recovered from the field side. Sunil stated before the police that the petitioner was his associate.

Submission is that statement of the co-accused, before the police is no evidence and there is no other accusation against the petitioner of commission of the offence under the Bihar Prohibition and Excise (Amendment) Act, 2016, hence, bar



under Section 76 of the Act is not applicable.

Considering the aforesaid fact, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Patna City, Patna/successor Court in connection with Bypass Police Station Case No. 17 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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