

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35937 of 2018

Arising Out of PS. Case No.-41 Year-2018 Thana- Gaya Muffsil District- Gaya

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Munna Yadav S/o Anirudh Yadav, resident of Manpur Rewar Toli, P.S.-
Muffsil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Smt. Manisha Prakash

For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 28-06-2018 Heard Smt. Manisha Prakash, learned counsel for the
petitioner and Sri Madan Kumar, learned Addl. Public
Prosecutor.

The sole petitioner, apprehending his arrest in Gaya
Muffasil P.S. Case No. 41 of 2018 registered for offence under
Section 30(a) of Bihar Prohibition and Excise Act, 2016, has
prayed for grant of bail in the event of his arrest or surrender,
purely on the ground of parity.

It has been argued by learned counsel for the
petitioner that in this case, one person was apprehended from
auto (tempo) carrying about 200 liters of country-made liquor
and he disclosed the name of seven accused persons, as if, seven
accused persons after seeing the police fled away. Learned
counsel for the petitioner has drawn my attention to Annexure –



2 and 2/1 of the petition to show that out of seven accused persons, whose names have come in confessional statement of co-accused, six have already been extended the privilege of anticipatory bail. It is evident from order dated 03-04-2018, vide Cr. Misc. No. 19307 of 2018, five accused persons of the present case were granted anticipatory bail and by order dated 15-05-2018, vide Cr. Misc. No. 30180 of 2018, co-accused Babla Manjhi @ Pagla Manjhi was extended the privilege of anticipatory bail.

Learned Addl. Public Prosecutor has vehemently opposed the prayer for anticipatory bail on the ground that in this case, there is recovery of country-made liquor to the tune of 200 liters, however; he was not in a position to dispute the fact that other six accused persons, in similar circumstances, have been extended the privilege of anticipatory bail.

Accordingly, in view of the fact that other accused persons in similar circumstances have been extended the privilege of anticipatory bail, there is no reason to refuse the same relief to the petitioner.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner namely Munna Yadav be enlarged 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 Special Judge Excise, Gaya in connection with Gaya Muffsil P.S. Case No. 41 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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