

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38268 of 2018

Arising Out of PS. Case No.-497 Year-2017 Thana- GANDHIMAIDAN District- Patna

Tausif, Son of Sahin Akhtar, Resident of Mohalla- Dujra, P.S.- Budha
Colony, District -Patna, State- Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Kamlesh Kumar Singh, Advocate

For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 04-07-2018 Heard Sri Kamlesh Kumar Singh, learned counsel for
the petitioner and learned Additional Public Prosecutor.

The sole petitioner, apprehending his arrest in connection with Special Case No. 7502 of 2017 arising out of Gandhi Maidan P.S. Case No. 497 of 2017, registered for the offence under Section 30(a)/37(a)/38(a)/41(a) of the Bihar Prohibition and Excise Act, 2016 , has prayed for grant of bail in the event of his arrest or surrender purely on parity. Besides this, learned counsel for the petitioner has drawn my attention to the statement made in paragraph no. 3 of the petition to show that petitioner is having clean antecedent. He submits that in similar circumstances other two accused namely: Khurshid Anwar @



Anwar and Aftab Anwar @ Neyaz were granted privilege of anticipatory bail by order dated: 28.02.2018 vide Cr. Misc. No. 12356 of 2018. He further submits that only today one another co- accused namely, Raju Mian has just been granted same privilege vide Cr. Misc. No. 38247 of 2018.

Learned Additional Public Prosecutor has opposed the prayer on the ground that in this case there was recovery of huge quantity of Indian make foreign liquor, however, he was not in a position to dispute the fact that in similar circumstances other accused persons have already been granted privilege of anticipatory bail .

Considering the fact that petitioner is having clean antecedent as well as the fact that other accused persons in similar circumstances have been extended the privilege of anticipatory bail , there is no reason to pass a different order in the present case. Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let petitioner - Tausif be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge – Excise, Patna / concerned court in connection with Special Case No. 7502 of 2017 arising out of Gandhi Maidan P.S. Case



No. 497 of 2017 subject to the conditions as contemplated
under section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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