

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69575 of 2018

Arising Out of PS. Case No.-2 Year-2018 Thana- OBRA District- Aurangabad

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1. Raja Kumar @ Shubham Kumar, Son of Lallu Singh, Resident of Village Bhuiya, P.S. Obra, District- Aurangabad.
 2. Pappu Kumar @ Pappu Kumar Singh, Son of Yamuna Singh, Resident of Village Checharthi, P.S. Obra, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-12-2018 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Obra P.S. Case No. 02 of 2018, disclosing offence under Sections 30(a), 34(a), 37(a) and 38(2) of Bihar Prohibition & Excise Act, 2016.

The allegation is that from the house of co-accused, Uttam Kumar, a bottle of English wine of 750ml containing half bottle wine was recovered. Some of the persons present there were apprehended including the petitioners. The petitioners and others were produced before the medical officer. The Doctor did not find any evidence of consumption of alcohol by these petitioners.

Learned counsel appearing on behalf of the petitioners



had contended that no offence under the provisions of Bihar Prohibition & Excise Act, 2016 is made out and, therefore, bar under Section 76(2) of the Act shall have no application. I find substance in submission made on behalf of the petitioners.

Accordingly, this application is allowed. The petitioners, above named, in the event of their arrest or surrender before the Court within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, Excise, Aurangabad in connection with Obra P.S. Case No. 02 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Pawan/Ragini

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