

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15927 of 2019

Arising Out of PS. Case No.-347 Year-2016 Thana- PURNEA SADAR District- Purnia

MD. ALAM about 45 years, Male, Son of Jawed Resident of Village - Ram
Ghat, P.S.-Muffasil, District - Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Mukesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 14-03-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out
of Sadar (Muffasil) P.S. Case NO. 347 of 2016, disclosing
offences under Sections 457,380,411 of the Indian Penal
Code and Section 53B of the Bihar Prohibition and
Excise Act, 2016.

As per the case of the prosecution disclosed in
the First Information Report, the informant found two
persons fleeing away from his house in the night and
when one of them Chandan Mhaldar was apprehended
by the villagers, the informant's mobile was recovered
from his possession. Said Chandan Mahaldar is said to
have disclosed the petitioner's name as his accomplice.



Chandan Mahaldar was found to be in an inebriated condition.

Learned counsel for the petitioner is correct in his submission that even if what has been alleged in the First Information Report is treated to be correct, no offence under the provisions of Bihar Excise Act can be made out against him. If there is any allegation of consumption of alcohol, the same is on suspicion and that too, against co-accused Chandan Mahaldar. I find substance in the submission made on behalf of the petitioner.

Since the petitioner's name has surfaced only on the basis of disclosure by co-accused, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, 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 the learned 2nd Additional Sessions Judge-Cum-Special Judge, Excise, Purnea in Sadar (Muffasil) P.S. Case No. 347 of 2016, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

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

(Chakradhari Sharan Singh, J)

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