

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30482 of 2019

Arising Out of PS. Case No.-60 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Ramashish Singh S/o Late Binda Singh R/o village- Pathraura, Bhukhan
Bigha, P.S.- Magadh Medical, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 08-05-2019 As prayed for, learned counsel for the petitioner is

permitted to delete paragraph 16 of this application.

Heard learned counsel for the petitioner and

learned counsel for the State.

In this case, the petitioner is seeking anticipatory

bail in connection with Magadh Medical P.S. Case No. 60 of

2019 (469/2019 Excise), registered for the offence punishable

under Section 30(a) (d) of the Bihar Excise Prohibition Act,

2016.

Allegation has been made that the police has

recovered 450 Kg. Mahua, 100 Kg. Kismis, 1 weight machine

and 100 litres of Mahua liquor from the boring house situated in



the field of the petitioner in western side of the village and the police has also recovered 8000 litres fermented Mahua from open field near the aforesaid place.

Learned counsel for the petitioner submits that he is suffering from paralytic attack and he is completely bedridden, but because of recovery having been made from his boring, he has been implicated in the present case. The allegation against the petitioner is to have fled away is completely wrong as he was/is completely bedridden.

Looking to the entire facts and circumstances of the case, let the petitioner, above-named, be released on **provisional anticipatory bail** in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise, Gaya in connection with Magadh Medical P.S. Case No.60 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This Court directs the court below to verify the condition of the petitioner whether he was/is bedridden and not capable to engage himself for such activity. If, it is found that



the petitioner was/is bedridden and not capable to engage himself for such activity, in that circumstances, his provisional bail will be confirmed. If, it is found that the petitioner was/is not bedridden and capable to engage himself for such activity, in that circumstances, his provisional bail will be treated to have been cancelled.

(Shivaji Pandey, J)

V.K.Pandey/
S. Katyayan/-

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