

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75125 of 2018

Arising Out of PS. Case No.-822 Year-2017 Thana- BARACHATTI District- Gaya

Surendra Das, Son of Vinesar Das, Resident of Village- Nimiyatand Kahudag,
P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a), 38 and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the written report of A.S.I., Shatrughan Paswan, submitted to the Station House Officer, Barachati Police Station, is to the effect that ten liters of country made mahua liquor was recovered from the house of the petitioner.

It is submitted by learned counsel for the petitioner that the Mahua is being used for feeding the cattle. It is further submitted that the recovery has been made from the joint family house of the petitioner. Moreover, similarly situated accused,



Arjun Yadav has been granted privilege of anticipatory bail, vide order dated 04.06.2018, passed in Cr. Misc. No. 30513 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the house of the petitioner.

Considering the small quantity of recovery from the joint family house, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge (Excise), Gaya in connection with Barachatti P.S. Case No.822 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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