

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40594 of 2019

Arising Out of PS. Case No.-447 Year-2018 Thana- MAIRWAN District- Siwan

GUDDU SINGH Son of Suvash Singh Resident of Village- Srinagar, P.S.
Mairwa, Dist. Siwan.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-07-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Mairwa P.S. Case No. 447 of 2018 for the offence punishable under Sections 341, 323, 332, 333, 353, 504 and 34 of the Indian Penal Code and Section 37(c) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel appearing on behalf of the petitioner has submitted that no offence, under Section 37(c) of the Bihar Prohibition and Excise Act, 2016, can be said to be made out on the basis of what has been alleged in the First Information Report.

On perusal of the First Information Report, it transpires that, allegedly, there was a quarrel going on and when the police intercepted, three of them fled away, whereas the fourth person, namely, Rajnish Kumar, was arrested. The said



Rajnish Kumar was found to have consumed alcohol. He disclosed the name of this petitioner as one of them, who was his associate. There is no indication in the First Information Report that the petitioner had also consumed alcohol.

In that view of the matter, I find substance in the submission made on behalf of the petitioner that no offence, under Section 37(c) of the Bihar Prohibition and Excise Act, 2016, can be said to be made out against this petitioner and, therefore, the bar under under Section 76(2) of the Act, will have no application.

This application is accordingly 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 Additional District and Sessions Judge 2nd-cum-Special Judge (Excise), Siwan, in Mairwa P.S. Case No. 447 of 2018, 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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