

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40985 of 2019

Arising Out of PS. Case No.-39 Year-2019 Thana- MALI District- Aurangabad

UDAY KUMAR SINGH Son of Chandeshwar Singh Resident of Village -
Saya Sikariya, P.S.- Mali, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-07-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Mali P.S. Case N0. 39 of 2019 (CIS No. 567 of 2019), disclosing offences under Sections 30(a) and 37(b) of the Bihar Excise & Prohibition Act, 2016.

Learned counsel appearing on behalf of the petitioner has submitted that the petitioner is owner of a bullet motorcycle. As per the case of the prosecution, three persons named in the First Information report, were intercepted by the police from whom 1.6 liters of country made liquor was recovered and were riding the petitioner's motorcycle. They were found to be in inebriated condition.

Learned counsel for the petitioner has submitted that even if the contents of the First Information Report are admitted to be correct, no offence against the petitioner is made out under Section 30(a) & 37(b) of the Bihar Prohibition and Excise Act, 2016. I find substance in the submission so made, considering the small quantity of liquor seized and



three persons (not this petitioner) found in possession of the same.

In my view, *prima facie*, it does not appear that the petitioner's motorcycle was used for any purpose.

Considering the above submission, 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 Additional Sessions Judge-VII-Cum-Special Judge, (Excise), Aurangabad in CIS No. 567/2019/ Mali P.S. Case No. 39 of 2019, 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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