

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46727 of 2019

Arising Out of PS. Case No.-32 Year-2019 Thana- TARARI District- Bhojpur

1. SHIV SHANKAR RAM Son of Lal Mohan Ram Resident of Village- Karath, P.S.- Tarari, District- Bhojpur.
2. Dhan Jee Paswan Son of Lal Mohan Ram Resident of Village- Karath, P.S.- Tarari, District- Bhojpur.
3. Manji Paswan Son of Lal Mohan Ram Resident of Village- Karath, P.S.- Tarari, District- Bhojpur.
4. Muna Paswan @ Munna Paswan Son of Lal Mohan Ram Resident of Village- Karath, P.S.- Tarari, District- Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 29-07-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Tarari P.S. Case No. 32 of 2019 for the offence punishable under Sections 147, 148, 341, 342, 307, 353, 338, 504, 506, 149, 224, 225, 511, 332, 333 and 337 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

At the very outset, it has been submitted on behalf of the petitioners that no offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, is made out against them and they have been implicated because they had attempted to protect the persons indulging in commission of the offence



under the Act, when the police party had conducted a raid and were making an attempt to arrest the persons involved in illicit trading of liquor. My attention has been drawn to an order of this Court, dated 12.07.2019 passed in Cr. Misc. No. 43268 of 2019, whereby similarly situated co-accused persons have been allowed anticipatory bail.

I am satisfied that the submission made on behalf of the petitioners that no offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, is, *prima facie*, made out against these petitioners and, therefore, bar under Section 76 Bihar Prohibition and Excise Act, 2016 shall not be applicable.

This application is accordingly allowed.

Let the petitioners above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge-cum-Special Judge, Excise Act, Bhojpur at Ara, in Tarari P.S. Case No. 32 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 petitioners



shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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