

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 49702 of 2019

Arising Out of PS. Case No.-150 Year-2019 Thana- KATRA District- Muzaffarpur

PRAVEEN KUMAR THAKUR @ PRAVEEN THAKUR, aged about 34 years, male, S/o Bhubneshwar Thakur, R/o Village – Lakhanpur, PS – Katra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr.Sanjay Parasmani
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

4 20-11-2019 Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner apprehends arrest in a case registered under Sections 272, 273 of Indian Penal Code and Sections 30 (a), 38 (1) of Bihar Excise and Prohibition Act.

Recovery of 18 liters of foreign liquor was made from a Tempo which is said to have been detained by villagers. Merely, on statement of the driver of the said vehicle, the petitioner has been implicated in the instant case. It is submitted that there is no recovery whatsoever from the petitioner and the prosecution case, stated in the first information report, makes out no offence under the provisions of Bihar Excise and Prohibition Act against the petitioner.

The learned APP for the State opposed the prayer and submits that 18 liters of foreign liquor has been recovered.

Considering the rival submissions, this Court is



inclined to accept submissions of learned counsel for the petitioner for the limited purposes of grant of anticipatory bail to the petitioner.

Let the petitioner above named, in the event of his arrest or surrender within four weeks from today, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Muzaffarpur in Katra Police Station Case No 150 of 2019 subject to the conditions as laid down in Section 438 (2) of Criminal Procedure Code and also the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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