

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57497 of 2019

Arising Out of PS. Case No.-126 Year-2019 Thana- CHACKMENSI District- Samastipur

NEHAL Son of Murtaza Resident of Village-Chandauli, P.S-Waini (O.P.),
District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar
For the Opposite Party/s : Mr.Pushpa Sinha. l

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 12-09-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Chakmehsi P.S. Case NO. 126 of 2019, disclosing offences under Sections 272,273/34 of the Indian Penal Code and Sections 30(a)/ 47 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel appearing on behalf of the petitioner has submitted that no offence under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, 2016 can be said to be made out against the petitioner and, therefore, bar under Section 76(2) of the Act shall have no application. He has submitted that the petitioner's name has surfaced on the confessional statement of co-accused Sahrukh, who is said to have disclosed that the petitioner had introduced the said co-accused Sahrukh with other



persons engaged in trade of illicit liquor. He has submitted that over and above this allegation, there is no material against the petitioner in the F.I.R.

I find substance in the submission so advanced on behalf of the petitioner. 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 ADJ-II-cum-Special Judge Excise, Samastipur in Chakmehsi P.S. Case No. 126 of 2014, 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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