

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56951 of 2019

Arising Out of PS. Case No.-74 Year-2018 Thana- MANSAHI District- Katihar

1. RAVINDRA YADAV Son of Late Satnarayan Yadav Resident of Village - Rakha Tola Bishanpur, P.S.- Mansahi, Dist.- Katihar.
2. Sikandar Yadav @ Sikandar Yadav Son of Late Satnarayan Yadav Resident of Village - Rakha Tola Bishanpur, P.S.- Mansahi, Dist.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

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

This application for anticipatory bail arises out of Mansahi P.S. Case No. 74 of 2018, disclosing the offence under Sections 147, 148, 149, 323, 354-B, 379 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The informant and the persons named in the FIR are agnates.

Learned counsel appearing on behalf of the petitioners has submitted that no offence under Section 30(a) of the Excise Act can be said to be made out on the basis of what has been alleged in the FIR by a private



person. He has submitted that certain dispute in the family is the reason behind lodging of the FIR.

I am *prima facie* satisfied with the submission made on behalf of the petitioners that no offence can be said to be made out under Section 30(a) of the Excise Act based on allegation of a private person that there was illicit liquor in the dickey of the motorcycle of the petitioners.

Considering the facts and circumstances and the submissions so advanced on behalf of the petitioners, this application is 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 bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned ADJ-II cum Special Judge (Excise Act), Katihar in Mansahi P.S. Case No. 74 of 2018, subject to the condition 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)

Rajesh/-

U		T	
---	--	---	--

