

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61510 of 2019

Arising Out of PS. Case No.-321 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Rahul Singh @ Rahul Kumar Singh, Son of Nand Kishore Singh, Resident of
Village - Shambhupatti, P.S.- Muffasil, Distt - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Kumari Vandana, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-09-2019 This is an application for grant of anticipatory bail in

connection with Excise Case No. 321 of 2018, disclosing

offence under Section 30(a) of the Bihar Prohibition Act, 2016.

As per prosecution case there is recovery of 750 ml of
liquor from the restaurant. Petitioner is said to be the owner of
the restaurant and one accused has been arrested.

Submission of the learned counsel for the petitioner is
that the restaurant is the public place and there is nothing
available on the record that petitioner was present there, rather
restaurant is run by his staff and one person has been arrested.
He is not staff of the petitioner and he may be a customer and
for that, petitioner cannot be made liable. Furthermore, there is
no compliance of Section 100 of Cr.P.C.

Heard learned A.P.P. also.



Having heard both sides, considering the above submission, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned Additional Sessions Judge-III-cum- Special Judge, Excise, Samastipur, in connection with Excise Case No. 321 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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