

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76112 of 2019

Arising Out of PS. Case No.-258 Year-2019 Thana- SARAIYA District- Muzaffarpur

PAPPU RAY @ PAPPU KUMAR Son of Bhagwan Lal Ray Resident of
Village - Kailapatti, Chaubey Ambara, P.S.- Saraiya, Dist.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pusupendra Kr.Singh Adv.

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-12-2019 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehend his arrest in connection with
Saraiya P.S. Case No. 258 of 2019 instituted for the offence
under Section(s) 272, 273 and 414/34 of the Indian Penal Code
and Sections 30(a), 32(ii), 38(ii) and 41(i) of the Bihar
Prohibition and Excise Act, 2016.

It is submitted by petitioner's counsel that even as per
allegations made in the F.I.R. the petitioner has not been
apprehended from the place from where the prohibited alcoholic
drinks were being loaded/unloaded.

Specific allegation was against the other named persons
and associates. On the statement of village '*Choukidar*' the
petitioner has been implicated in the instant case merely on



suspicion as one of the alleged associates. The petitioner has no criminal antecedents and it is submitted that in view of the allegations, the offences under the Bihar Prohibition and Excise Act, 2016 are not made out.

The learned APP for the State has opposed the prayer for anticipatory bail referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act.

For the limited purpose of grant of bail, this Court is inclined to accept the submissions of counsel for the petitioner.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, above named, before the court below, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Spl. Judge Excise, Muzaffarpur**, in connection with **Saraiya P.S. Case No. 258 of 2019**, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) 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.

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

(Madhuresh Prasad, J)

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