

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71264 of 2019

Arising Out of PS. Case No.-137 Year-2019 Thana- KASHICHAK District- Nawada

MUKESH SINGH S/o Bhushan Singh R/o- Chandinawan, P.S.- Kashichak,
Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha
For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner is apprehending his arrest in Kashichak P.S. Case
no. 137/2019 registered under section 30(a) of the Bihar Prohibition
and Excise Act.

It is submitted by counsel for the petitioner that there is
recovery of 13 liters illicit liquor from the bushes towards north of
petitioner's house even as per allegation made in the F.I.R.

Submission is that petitioner has falsely been implicated in
this case as he has no criminal antecedent.

No recovery whatsoever has been made from him. In such
circumstance, no case whatsoever is made out against the petitioner
under Bihar Prohibition and Excise Act.

Learned A.P.P. opposes the prayer by referring to section
76(2) of the Act regarding maintainability of anticipatory bail



application itself.

Considering the rival submissions for limited purpose of anticipatory bail, this court is inclined to accept the submissions of counsel for the petitioner. Application is allowed.

In the event of arrest/ surrender within four weeks from the date of receipt of a copy of the order in the court below, petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge II-cum- Special Judge, Nawada in Kashichak P.S. Case no. 137/2019 subject to the condition under section 438(2) Cr.P.C and other 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)

s.hassan/-

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