

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71262 of 2019

Arising Out of PS. Case No.-424 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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SRIRAM SAH Son of Late Ram Sagun Sah Resident of Village - Jawaharpur,
Ward No. 12, P.S.- Ujiarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav

For the Opposite Party/s : Mr.Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-11-2019 Heard learned counsel for the petitioner and the
learned APP for State.

Petitioner apprehend his arrest in connection with
Excise Case No. 424 of 2019 instituted for the offence
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment)Act, 2018.

5.58 liters of foreign liquor is alleged to have been
recovered from the petitioner's hut.

The petitioner's counsel submit that it is out an out a
false case. No recovery has been made from the possession
of the petitioner or in his presence. It is, thus, submitted
that no case is made out under the Prohibition and Excise
Act.

Learned APP for the State opposed the prayer for bail
by submitting that recovery is made from the petitioner's
hut.



This Court, for the limited purposes for grant of anticipatory bail, is inclined to accept the submissions of the petitioner's counsel.

Considering the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner before the court below, named above, 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 **Addl. Sessions Judge-2nd-cum-Special Judge, Excise, Samastipur** in connection with **Excise Case No. 424 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 fail to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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