

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76084 of 2019**

Arising Out of PS. Case No.-180 Year-2019 Thana- PIYAR District- Muzaffarpur

BRAJESH KUMAR @ MONA Son of Umashankar Thakur R/o Rampur  
Dayal, P.S.- Piar, (Hatha O.P.), District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Ashok Kumar Jha

For the Opposite Party : Mr.Md. Anbzarul Haque Sahara

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      02-12-2019      Heard learned counsel for the petitioner and the learned  
APP for State.

Petitioner apprehend his arrest in connection with **Piar P.S. case no. 180 of 2019**, instituted for the offence under Section(s) 272 and 273 of the IPC and Sections 30(a), 34, 36 and 41 of the Bihar Prohibition and Excise Act, 2016.

It is submitted by the petitioner's counsel that recovery has been made from the house and pick -up van of co- accused Ranjeet Ram. Merely, upon his disclosure, the petitioner has been implicated in the instant case. There is no recovery whatsoever from the petitioner's possession and he is having no criminal antecedents.

The submission is of false implication. It is also submitted that the offences under the Bihar Prohibition and Excise Act are



not made out.

Even from perusal of the allegations made in the FIR, the learned APP, referring to Section 76(2) of the Bihar Prohibition and Excise Act, 2016 has opposed the prayer for anticipatory bail.

Considering the rival submissions of the parties, this court is inclined to accept the submissions of the petitioner's counsel for the limited purposes for grant of anticipatory bail.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, 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 **Piar P. S. case no. 180 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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