

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 76073 of 2019

Arising Out of PS. Case No.-217 Year-2019 Thana- ISUAPUR District- Saran

ANUJ KUMAR SINGH Son of Late Dipnarain Singh Resident of Village -
Gangoi, P.S.- Isuapur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr.Sachida Nand Rai
For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-12-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner apprehends arrest in a case registered under
Section 30 of Bihar Prohibition and Excise Act, 2016.

About 200 meters east of the petitioner's house, some
liquor has been recovered from a bush. The petitioner has been
made an accused on account of such recovery. It is submitted
that the recovery is not from the petitioner or from his property
and, as such, even if the allegations in the first information
report are taken to be correct, no offence whatsoever would be
made out under the Bihar Prohibition and Excise Act, 2016. It
is submitted that the petitioner, having regard to decision of the
Full Bench in the case of *Ram Vinay Yadav -Versus- State of
Bihar, 2019 (2) PLJR 1089* is entitled to grant of bail.

Learned APP for the State, referring to Section 76 (2)
of the Bihar Excise and Prohibition Act, has opposed the prayer.



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

Let the petitioner above named, in the event of his arrest or surrender within four weeks from today, shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- I/c Special Judge, Excise, Saran in Isuapur Police Station Case No 217 of 2019 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code and also the following 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)

M.E.H./-

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