

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78371 of 2019

Arising Out of PS. Case No.-137 Year-2019 Thana- SIDHWALIYA District- Gopalganj

CHANCHU KUMAR @ MANTU MAHTO Son of Chhathu Mahto Resident
of Village-Bucheya, P.S.-Sidhwalia, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh
For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-12-2019 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner is apprehending his arrest in Sidhwalia 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 name of the
petitioner has taken by one person who was apprehended from the
place of recovery. 9.870 liters prohibited intoxicated liquor was
recovered from a bush.

Petitioner has no concern with the said recovery and has not
been apprehended at the scene of the recovery. It is further submitted
that the petitioner and his mother have been implicated in his case by
person on extraneous consideration. In such circumstance, no case
whatsoever has been 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.

Considering the rival submissions for limited purpose of anticipatory bail, this court is inclined to accept the submission 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 Excise Act, Gopalganj in Sidhwalia 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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