

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79952 of 2019

Arising Out of PS. Case No.-273 Year-2019 Thana- PANCHRUKHI District- Siwan

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AJAY CHAUDHARY Son of Prabhu chaudhary @ Prabhu Nath Yadav
Resident of Village - Mahpur, P.S.- Pachrukhi (Sarai O.P.), District - Siwan.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-12-2019 Heard learned Counsel for the petitioner and the learned
APP for the State.

Petitioner apprehends arrest in Pachrukhi (Sarai O.P.)
PS Case No. 273 of 2019 registered under Sections 30(a) and 41(1)
of the Bihar Prohibition and Excise Act, 2016.

25.920 Litres of foreign liquor is said to have been
recovered from the plastic bag. The prosecution case is that petitioner
and another person was carrying the same on a motorcycle and on
seeing police they have dumped it and fled away.

Submission is that even as per prosecution case no
recovery has been made from the petitioner. Seizure is also not in
accordance with Section 100 Cr.P.C. The petitioner only on the basis
of suspicion has been dragged in this case. Primafacie the allegations
make out no case against the petitioner in the circumstances.

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

For the limited purpose of anticipatory bail this Court is
inclined to allow the prayer for anticipatory bail of the petitioner.

In the event of arrest or surrender before the court



below within four weeks from today, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional District & Sessions Judge -cum- Special Judge, Excise, Siwan in Pachrukhi (Sarai O.P.) PS Case No. 273 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also 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 in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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