

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 79967 of 2019**

Arising Out of PS. Case No.-28 Year-2017 Thana- GRIYAK District- Nalanda

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KRISHNA PRASAD SAHU Son of Gauri Shankar Sahu Resident of Village-
Dimba, P.S.- Lapunag, District- Ranchi, State, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranvijay Singh

For the Opposite Party/s : Mr.Anish Chandra

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 12-12-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner apprehends arrest in connection with
Giriyak (Katrisarai) Police Station (for brevity, PS) Case No 28
of 2017 instituted for the offence under Section(s) 272, 273,
120B of Indian Penal Code and Sections 30/37 of Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the
Bolero Vehicle in question from which the alleged recovery of
illicit liquor was made has been sold by the petitioner. In
support of his submission, he has annexed copy of the Sale
Letter dated 27.12.2016. It is submitted that he was neither
present at the spot where the recovery was made nor he can be



held liable in any manner for the alleged recovery of illicit liquor which has been made from the vehicle in question. The submission is that, by no stretch of imagination, the offences under the Bihar Prohibition and Excise Act can be made out against the petitioner.

The learned APP for the State has opposed the prayer for anticipatory bail referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act.

For the limited purpose of grant of bail, this Court is inclined to accept the submissions of learned counsel for the petitioner.

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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge III -cum- Special Judge (Excise), Nalanda at Bihar Sharif in connection with Giriyak (Katrisarai) PS Case No 28 of 2017 subject to the conditions as laid down under Section 438(2) of Criminal Procedure Code and also 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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