

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78779 of 2019

Arising Out of PS. Case No.-529 Year-2019 Thana- NARPATGANJ District- Araria

Mithilesh Kumar Paswan @ Mithlesh Kumar Paswan @ Mithu S/o
Ramanand Paswan R/o village- Baneli Patti, Ward No. 6, P.S.- Birpur,
District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Gopal Kumar Jha

For the Opposite Party : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

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

Petitioner apprehend his arrest in connection with **Spl.**
Case No. 1181 of 2019, arising out of Narpatganj (Basmatiya
O.P.) P.S. Case No. 529 of 2019 instituted for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016 and Sections 413 and 414 of the Indian Penal Code.

It is submitted by the petitioner's counsel that recovery of
11.400 liters of prohibited liquor is alleged against co-accused.
The petitioner's name has transpired merely because the same
being disclosed by co-accused. No recovery whatsoever has
been made from the petitioner. Petitioner has not been
apprehended from the place of occurrence.



It is, under such, circumstances, he has been implicated and, no such case, under the Bihar Prohibition and Excise Act is made out.

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 anticipatory 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **2nd Additional. Sessions Judge -cum- Spl. Juge, Araria**, in connection with **Spl. Case No. 1181 of 2019, arising out of Narpatganj (Basmatiya O.P.) P.S. Case No. 529 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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