

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80647 of 2019

Arising Out of PS. Case No.-183 Year-2017 Thana- MANJHAGARH District- Gopalganj

BALISTER CHOUDHARI Son of Late Jagarnath Chaudhary @ Jagarnath
Choudhary Resident of Village - Umarmathia, P.O. and P.S- Manjhagarh,
District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer, Adv

For the Opposite Party/s : Mr.Surendra Prasad Singh APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2019 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehends arrest in connection with
Manjhagarh P. S. Case No. 183 of 2017, instituted for the
offence under Section(s) 272, 273/34 of the Indian Penal Code
and U/s 30 (a) of the Bihar Prohibition and Excise Act, 2016 .

Three liters of prohibited wine is said to have been
recovered from behind the petitioner's house. It is submitted
that petitioner has no connection with the recovery. The same
has not been made from the petitioner and the procedure for
recovery has not been followed in accordance with the
provisions as contained in Cr. P. C. The allegations, under the
Bihar Prohibition and Excise Act, are not 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 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 Addl. District and Sessions Judge, Gopalganj, in connection with Manjhagarh P. S. Case No. 183 of 2017, 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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