

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80342 of 2019

Arising Out of PS. Case No.-103 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

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MANOJ SAHNI Son of Shankar Sahni Resident of Village-Shivaji Nagar,
P.S.-Nagar District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar
For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-12-2019 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner is apprehending his arrest in G. O. Case (Excise)
no. 103/2016 registered under section 30(a) of the Bihar Prohibition
and Excise Act.

Allegation is that on secret information, police chased a
person who fled away leaving 22 liters of prohibited foreign liquor.

Counsel for the petitioner submits that merely on
suspicion he has been implicated in this case since earlier petitioner
was made accused for similar offence.

Petitioner has no concern with the said recovery and has not
been apprehended at the scene of the recovery. In such circumstance,
no case whatsoever is 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, Darbhanga in G. O. Case (Excise) no. 103/2016/ Prosecution Report no. 59/2016 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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