

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84995 of 2019

Arising Out of PS. Case No.-529 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Saharsa

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VIJAY KUMAR Son of Pirthavi Bhagat Resident of Village - Batraha, Ward
No. 26, P.S.- Saharsa Sadar, Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi, Adv
For the Opposite Party/s : Ms.Veena Kumari Jaiswal APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-12-2019 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehends arrest in connection with **Special
(Excise) Case No. 529 of 2019** instituted for the offence under
Section(s) 30(a) of the Bihar Prohibition and Excise Act, 2016 .

It is submitted by the petitioner's counsel that he is
innocent and it is a case of false implication. Even as per
allegation in the prosecution report, no recovery has been made
from the petitioner nor motorcycle belongs to the petitioner.
There is nothing on record to suggest in any way that 7.920
liters of illicit liquor which is alleged to have been recovered
from bike belongs to the petitioner. It is further submitted that,
in the circumstances, no case under the Bihar Prohibition and



Excise Act, is made out against the petitioner. The petitioner is on bail in Saharsa Sadar P. S. case no. 590 of 2018.

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 **Addl. Sessions Judge-cum Special Judge Excise, Saharsa**, in connection with **Special (Excise) 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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