

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83298 of 2019

Arising Out of PS. Case No.-65 Year-2019 Thana- NARDIGANJ District- Nawada

1. BHUSHAN SINGH Son of Arjun Singh Resident of Village - Parma, P.S.- Nardiganj, District - Nawada
2. Pankaj Kumar Son of Mithilesh Singh Resident of Village - Parma, P.S.- Nardiganj, District - Nawada
3. Pintu Kumar @ Pintu Singh Son of Arjun Singh Resident of Village - Parma, P.S.- Nardiganj, District - Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-12-2019 Heard learned Counsel for the petitioners and the
learned APP for the State.

Petitioners apprehend arrest in Nardiganj PS Case
No. 65 of 2019 registered under Sections 30(a)/41 of Bihar
Prohibition and Excise Act, 2016.

It is submitted by petitioners' Counsel that the
recovery whatsoever have been made from co-accused
Dharmendra and his mother Bebi Devi. The petitioners have
been dragged in this prosecution merely upon disclosure of co-
accused Dharmendra which has led to no recovery from the
petitioners. The alleged recovery of 50 Litres and odd of illicit



liquor having been made from other co-accused persons submission is that on account of aforesaid facts no case is made out against the petitioners in the instant case. Submission is of false implication on extraneous consideration and that till date petitioners have no criminal antecedent..

Learned APP for the State referring to Section 76(6) of the Bihar Prohibition and Excise Act, 2016 opposes the prayer on the ground of maintainability.

Considering the aforesaid submissions as also the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed.

In the event of arrest or surrender before the court below within four weeks from today, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Nawada in Nardiganj PS Case No. 65 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also 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 in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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