

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83608 of 2019

Arising Out of PS. Case No.-150 Year-2019 Thana- GOVINDPUR District- Nawada

SANJAY CHAUDHARI Son of Mathura Chaudhari @ Mathuri Chaudhari
Resident of Village - Govindpur Dih, P.S.- Govindpur, 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. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-12-2019 Heard learned Counsel for the petitioner and the learned
APP for the State.

Petitioner apprehends arrest in Govindpur PS Case No.
150 of 2019 registered under Sections 30(a)/30(d) of Bihar
Prohibition and Excise Act, 2016.

Petitioner's Counsel submits that nature of allegation
does not even cast a grave suspicion regarding implication of the
petitioner as recovery is allegedly of 26 litres from the river bank.
Petitioner was not arrested near the river. Name of the petitioner has
been taken by village chaukidar on extraneous consideration and in
view of aforesaid circumstances no case whatsoever is made out
under the Bihar Prohibition and Excise Act,

Learned APP has opposed the prayer referring to
Section 76(2) of the Act on account of maintainability.

For the limited purpose of grant of anticipatory bail this
Court is inclined to accept the submission on behalf of the petitioner.

Considering the aforesaid submissions prayer for
anticipatory bail of the petitioner is allowed.

In the event of arrest or surrender before the court below



within four weeks from today, let the petitioner 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 Govindpur PS Case No. 150 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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