

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8517 of 2020

Arising Out of PS. Case No.-276 Year-2019 Thana- AMARPUR District- Banka

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MURLIDHAR MANDAL Son of Lakhan Prasad Mandal @ Lakhan Prasad
Resident of Village - Pavai, P.S. - Amarpur, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey
For the Opposite Party/s : Mr.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehends arrest in connection with Amarpur
P.S. Case No. 276 of 2019 instituted for the offence under
Section(s) 30(a) of the Indian Penal Code.

11.250 liters of illicit liquor has allegedly been recovered
from the petitioner's motorcycle being driven by his son. It is
submitted that the petitioner has no concern with the illicit
liquor. The petitioner had no knowledge about his son indulging
in any such activity. He is having no criminal antecedents and
his son has since been granted bail after being in custody for
some time. It is submitted that from the nature of allegation
itself no offence whatsoever can be made out against the
petitioner under the Bihar Prohibition and Excise Act.



Referring to Section 76 (2) of the Bihar Prohibition & Excise Act, prayer for pre-arrest bail is opposed as being not maintainable. Considering the rival submissions and Full Bench decision of this Court in the case of **Ram Binay Yadav -Versus- State of Bihar, 2019 (2) PLJR 1089**, for the limited purposes of grant of anticipatory bail, this Court is inclined to accept the submissions advanced by the petitioners' counsel.

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 **Ind Additional Sessions Judge, Banka**, in connection with **Amarpur P.S. Case No. 276 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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