

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3047 of 2020

Arising Out of PS. Case No.-32 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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MRITYUNJAY KUMAR SHUKLA S/O- Niwas Shukla Resident of Village -
Chandanpura, P.S. - Chenari, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Pandey
For the Opposite Party/s : Ms.Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-01-2020 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner is apprehending his arrest in Excise Case no.
32/2019 registered under section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

One Radhey Shyam Bind has been apprehended and it
is alleged that he was carrying 64 liters illicit liquor on a
motorcycle.

Petitioner's implication is on account of being owner of
motorcycle in question.

It is submitted by counsel for the petitioner that even as
per allegation, petitioner was not apprehended carrying illicit
liquor. He has no connection with the same. Annexure 3 is the



sale letter showing that motorcycle in question had already been sold by the petitioner prior to the occurrence and therefore, merely on the basis of the fact that ownership has not been transferred by purchaser, he has been implicated in this case.

It is also submitted that in the circumstance, no offence whatsoever can be made out from the allegation under Bihar Prohibition and Excise Act.

Learned A.P.P. opposes the prayer by referring to section 76(2) of the Act and submitted that prayer for pre-arrest bail would not be maintainable.

Considering the law stated in the Full Bench decision of this court in the case of Ram Vinay Yadav vs. State of Bihar reported in 2019(2) PLJR 1089 this Court, for limited purpose of anticipatory bail, is inclined to accept the submissions 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. District Judge II-cum- Special Judge, Excise, Rohtas at Sasaram in Excise Case no. 32/2019 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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