

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 8370 of 2020**

Arising Out of PS. Case No.-259 Year-2019 Thana- DARAUNDA District- Siwan

GOVIND KUMAR S/o Awadh Kishore Singh R/o village- Bhikha Bandh,
P.S.- Daraunda, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehends arrest in connection with Daraunda Police Station (for brevity, *PS*) Case No 259 of 2019 instituted for the offence punishable under Section(s) 30 (a), 38 of Bihar Prohibition and Excise Act, 2016.

Recovery of 30 liters of illicit Mahua liquor from the hutment of the petitioner lead to implication of the petitioner. It is submitted by the petitioner's counsel that recovery is from a place having general public access. The petitioner cannot be, in any manner, attributed with the same. It is a case where no offence whatsoever has been made against the petitioner as there is nothing to suggest that the petitioner was in any way



connected with the illicit liquor. He has no criminal antecedent.

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, that same is not maintainable.

For the limited purpose of grant of bail, this Court is inclined to accept the submissions of learned counsel for the petitioner.

Considering the aforesaid facts, prayer of 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 bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise, Siwan in connection with Daraunda PS Case No 259 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also 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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