

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8252 of 2020

Arising Out of PS. Case No.-241 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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RAVI PRAKASH Son of Birendra Sharma @ Birendra Kumar Sharma
Resident of C/o Dinesh Yadav, New Area, Ashok Nagar, Panchayat Bhawan
Baithka, Kumhrar, P.S.- Bahadurpur, Distt- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jagjit Roshan

For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-02-2020 Heard learned Counsel for the petitioner and the learned
APP for the State.

Petitioner apprehends arrest in P.R. Case No. 241 of
2019/Special Case No. 10471 of 2019 registered under Sections
30(a) of Bihar Prohibition and Excise Act, 2016.

It is submitted that merely since the recovery is made
from the petitioner's own vehicle he has been implicated in this case.
He however disputes the recovery altogether and submits that it is a
case of false implication. Even otherwise it is submitted that it is not
the case of the prosecution that it was recovered from his possession
or that he was present at the time of recovery. An acquaintance of the
petitioner had borrowed the vehicle from the petitioner as such he
was not having any knowledge about the occurrence. No offence
whatsoever is made out as there is total non compliance of the
procedure under Section 100 Cr.P.C.

Learned APP has opposed the prayer for anticipatory bail
citing the provisions of Section 74 of the Act prescribing bar on pre
arrest bail.



Considering the rival submissions this Court is inclined to accept the submission on behalf of the petitioner. The prayer 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 Special Judge, Excise Court, Patna. in P.R. Case No. 241 of 2019/Special Case No. 10471 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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