

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 8480 of 2020

Arising Out of PS. Case No.-86 Year-2019 Thana- NADI P.S. District- Patna

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ARUN SINGH S/o Ram Bhujhawan Singh Resident of Mohalla- Yamuna
Bihar, Infront of Public School, P.S.-Ramkrshna Nagar, Shekhpura, Patna
Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Sinha

For the Opposite Party/s : Mr.Dinesh Singh

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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 the State.

Petitioner apprehends arrest in connection with Nadi
Police Station (for brevity, *PS*) Case No 86 of 2019 relating to
Special Case No 3557 of 2019 instituted for the offence
punishable under Section(s) 30 (a), 38 (a) of Bihar Excise and
Prohibition Act.

71 liters of Indian made foreign liquor is recovered from a
Bolero vehicle upon its interception. The driver, as per
prosecution on being apprehended, has disclosed that he was
indulging in clandestine sale of illicit liquor. It is submitted by
the petitioner's counsel that even as per first information report,
the driver has said about his own clandestine trade for which the



petitioner cannot be, in any manner, held responsible. The fact that the petitioner is owner of the vehicle in question also has to be viewed in background of such responsibility being taken by the driver who, admittedly, as per prosecution case, was indulging in clandestine trade of illicit liquor. In the circumstances, it is submitted that no offence whatsoever under the Bihar Excise and Prohibition Act is made out.

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.

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 Special Judge, Excise, Patna in connection with Nadi PS Case No 86 of 2019 relating to Special Case No 3557 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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