

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 8392 of 2020

Arising Out of PS. Case No.-377 Year-2019 Thana- JHAJHA District- Jamui

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Jitu Paswan S/o Late Sundar Paswan @ Kapildeo Paswan Resident of
Village- Machli Chowk Jhajha, P.S.- Jhajha, Distt- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Niranjan Parihar

For the Opposite Party/s : Mr.Anish Chandra

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

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

Petitioner apprehends arrest in connection with Jhajha
Police Station (for brevity, *PS*) Case No 377 of 2019 instituted
for the offence punishable under Section(s) 272, 273/34 of
Indian Penal Code and Sections 30 (a), 37 (c) (d) of Bihar
Excise and Prohibition Act.

Two persons are said to have been apprehended while
consuming Mahua liquor. 14 liters of Mahua liquor has been
recovered from under the *Chauki* of the petitioner's house.
Petitioner's name has surfaced since the two persons have stated
that he had fled away on seeing the police. Other than the said
statement, there is nothing to connect the petitioner with the



occurrence. The petitioner is having no criminal antecedent and even, as per prosecution case, neither he was apprehended on the spot nor there is any recovery from his possession. It is submitted that no offence whatsoever would be made out under the Bihar Excise and Prohibition Act.

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 Additional Sessions Judge II, Jamui in connection with Jhajha PS Case No 377 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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