

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8313 of 2020

Arising Out of PS. Case No.-328 Year-2019 Thana- ISLAMPUR District- Nalanda

AMARJEET SAPERA Son of Late Biltu Sapera Resident of Village-Echahos
Takiyapar, P.S-Islampur, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner is apprehending his arrest in Islampur P.S. Case
no. 328/2019 registered under section 30(a) of the Bihar Prohibition
and Excise Act.

10 liters illicit liquor is said to have been recovered from a
container allegedly abandoned by the petitioner. Petitioner has been
identified by police personnel with the help of local persons.

Counsel for the petitioner submits that petitioner's name has
been dragged in this case only on the basis of suspicion. No recovery
in terms of section 100 Cr.P.C has been made from the petitioner. In
such circumstance, no case whatsoever has been made out against the
petitioner under Bihar Prohibition and Excise Act.

Learned A.P.P. opposes the prayer by referring to section
76(2) of the Act.



Considering the rival submissions for limited purpose of anticipatory bail, this court is inclined to accept the submission 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. Sessions Judge III-cum-Special Judge Excise, Nalanda at Biharsharif in Islampur P.S. Case no. 328/2019 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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