

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8281 of 2020

Arising Out of PS. Case No.-167 Year-2019 Thana- CHANPATIA District- West Champaran

1. PAPPU DHANGAD @ PAPPU KUMAR Son of Daroga Dhangad Resident of Village - Lagunaha, Ward No. 10, Karnapatti, Mushar Toli, P.S. - Chanpatia, Distt. - West Champaran
2. Kishori Dhangad @ Kishor Kumar Son of Ramesh Dhangad Resident of Village - Lagunaha, Ward No. 10, Karnapatti, Mushar Toli, P.S. - Chanpatia, Distt. - West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-02-2020 Heard learned Counsel for the petitioners and the learned APP for the State.

Petitioners apprehend arrest in Chanpatia PS Case No. 167 of 2019 registered under Sections 147, 148, 149, 332, 333, 337, 338, 341, 342, 323, 307 and 353 IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2016 .

Learned Counsel for the petitioners submits that even as per prosecution case no recovery of any illicit liquor is attributed to the petitioners. At best the allegation is that they were amongst 50 – 60 persons who had obstructed the authorities after recovery was made from three other accused persons. It is submitted that in the circumstances no case whatsoever would be made out under the provisions of Bihar Prohibition and Excise Act.

Referring to the provisions contained in Section 76 of the Act learned APP has opposed the prayer on the ground of the pre arrest bail not being maintainable.

Upon hearing the rival submissions this Court is inclined



to accept the submissions advanced on behalf of the petitioner. The prayer for anticipatory bail of the petitioners 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, Bettiah, West Champaran in Chanpatia PS Case No. 167 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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