

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8411 of 2020

Arising Out of PS. Case No.-173 Year-2019 Thana- BIHRA District- Saharsa

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ARUN CHAUDHARY @ ARUN KUMAR JAISWAL Son of Narayan Chaudhary Resident of Village-Piprahi Durgapur (Simrahi), P.S.-Raghopur, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mrs. Pushpa Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-03-2020 Heard learned Counsel for the petitioners and the learned APP for the State.

Petitioner apprehends arrest in Bihara PS Case No. 173 of 2019, Special (Excise) Case No. 486 of 2019 registered under Sections 30(a), 38(1) and 41(1) of Bihar Prohibition and Excise Act, 2016.

From the rice mill of one Suresh Yadav total 1070 litres of foreign liquor has been recovered in the process of unloading.

Counsel for the petitioner submits that the recovery is from the rice mill of co-accused. The petitioner was neither at the place of recovery nor seen by anyone. It is merely on suspicion that the consignment is his, that has been implicated. He is having no criminal antecedent and in view of prosecution case even if taken on the face value offence under the Prohibition and Excise Act would not be made out against the petitioner.

. 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 petitioner 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 Additional Sessions Judge II -cum- Special Judge (Excise) Saharsa in Bihara PS Case No. 173 of 2019, Special (Excise) Case No. 486 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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