

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 8386 of 2020**

Arising Out of PS. Case No.-1 Year-2020 Thana- TARIYANI CHOWK District- Sheohar

SAKAL MAHTO @ GUDDU MAHTO @ GUDDU S/o Late Devdhari
Mahto Resident of Village- Hewatnagar (Heot Nagar), P.S.- Tariyani, District-
Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Parmanand Prasad

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 Tariyani
Police Station (for brevity, *PS*) Case No 1 of 2020 dated
01.01.2020 instituted for the offence punishable under
Section(s) 30 (a) of Bihar Excise and Prohibition Act, 2016.

Even, as per the prosecution case, it is alleged that 105
liters of “Tari” has been recovered from the front of the
petitioner's house. Learned counsel for the petitioner submits
that there is non-compliance with Section 100 of Criminal
Procedure Code. Recovery is from an open place having
general public access. It is submitted that in the said
circumstances, no case whatsoever is made against the



petitioner for offences under the Bihar Excise and Prohibition Act, 2016.

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 I -cum- Special Judge, Excise, Sheohar in connection with Tariyani PS Case No 1 of 2020 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)

M.E.H./-

U			
---	--	--	--

