

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8217 of 2020

Arising Out of PS. Case No.-2 Year-2019 Thana- BISHWAMBHARPUR District- Gopalganj

RAMRAKSHA SINGH Son of Rajdhari Singh Resident of Village - Balesra,
P.S.- Mirganj, Distt - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar
For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-02-2020 Heard learned Counsel for the petitioners and the learned
APP for the State.

Petitioners apprehend arrest in Vishambharpur PS Case No. 02 of 2019 registered under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

16.560 liters of illicit liquor is alleged to have been recovered from a bag tied to the motorcycle which stands registered in the petitioner's name. Other than registration being in petitioner's name it is submitted that there is no material to connect the petitioner with the alleged recovery. The motorcycle had been borrowed by some person and therefore the petitioner had no knowledge regarding the recovery. It is submitted that he was also not apprehended at the place of occurrence and as such no case whatsoever would be attributed under the Bihar Prohibition and Excise Act.

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 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 Additional Sessions Judge II -cum- Special Judge, Excise, Gopalganj in Vishambharpur PS Case No. 02 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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