

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8350 of 2020

Arising Out of PS. Case No.-18 Year-2019 Thana- BELDOUR District- Khagaria

=====

Lalkun Sada Son of Late Ghuran Sada Resident of Village- Sakrohar
Musahari Tola, P.S.- Beldaur, District- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Adv

For the Opposite Party/s : Mr.Kumar Veerendra Narayan APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehends arrest in connection with Beldaur
P.S. Case no. 18 of 2019, corresponding to GR. No. 338 of 2019
instituted for the offence under Section(s) 30(a) of the Bihar
Prohibition and Excise Act, 2016 .

Recovery of 16 liter 200 ML of *Mahua* from *Maachan* in
the open space has led to petitioner's implication in the instant
case.

It is submitted by petitioner's counsel that recovery is
from an open space having general public access and therefore
the petitioner cannot be in any manner held responsible for the
recovery in-question. Even as per the prosecution case no case
would be made out against the petitioner as there is no recovery



from him. He has no criminal antecedents.

The learned APP for the State, referring to Section 76(2) of the Bihar Prohibition and Excise Act, has submitted that in view of Bar of pre-arrest bail, this Court should not entertain the petitioner's bail application.

For the limited purpose of grant of bail, this Court is inclined to accept the submissions of counsel for the petitioner.

Considering the aforesaid facts, prayer of the 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 anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge- 2nd- cum -Special Judge (Excise) Khagaria, in connection with Beldaur P. S. Case no. 18 of 2019, corresponding to GR. No. 338 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. 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 and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

U			
---	--	--	--

