

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8241 of 2020

Arising Out of PS. Case No.-167 Year-2019 Thana- MAHESHKHUNT District- Khagaria

RANJIT SINGH Son of Upendra Singh Resident of Village - Rohari, P.S.- Maheshkhut, District - Khagaria. At present Ranjit Singh, aged about 46 yrs. (Male), S/o Upendra Singh, Village - Navtoliya Banni, P.S.- Maheshkhut, Distt. - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

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

Petitioner apprehends arrest in Maheshkhut PS Case No. 167 of 2019 registered under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

Counsel for the petitioner submits that he has falsely been implicated in this case.

The allegation in the case is recovery of 1055 liters of English wine from within the boundary of the petitioner's home.

Counsel for the petitioner submits that the place from where the recovery has been made is not the premises owned by the petitioner and having general public access. Submission is that no offence whatsoever is made out against the petitioner under the Bihar Prohibition and Excise Act. The petitioner is said to have no criminal antecedent.

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 Special Judge, Excise, Khagaria in Maheshkhut 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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