

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10529 of 2020

Arising Out of PS. Case No.-278 Year-2019 Thana- KATRA District- Muzaffarpur

Sukhram Mahto Son of Vilash Mahto Resident of Village - Dhanaur, P.S.-
Katra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv.

For the Opposite Party/s : Mr.Anish Chandra APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 10-06-2020 The matter has been listed today for consideration
through Video Conferencing.

Heard learned counsel for the petitioner and Mr. Chandra
learned APP for State.

Petitioner apprehend his arrest in connection with Katra
P.S. Case no. 278 of 2019 instituted for the offence under
Sections 30(a) and 38(1) of the Bihar Prohibition and Excise
Act, 2016 and Sections 272 and 273 of the Indian Penal Code.

The prosecution case alleges recovery of 2.70 liters of
illicit liquor from the house of one Rajeshwar Chaudhary. The
said Rajeshwar Chaudhary has stated that the petitioner was the
supplier leading to his implication in the instant case.

It is submitted by the petitioner's counsel that neither
recovery has been made nor he was present at the place from



where recovery has been made. Merely because of his criminal antecedents his name has been mentioned in the instant case. The petitioner is on anticipatory bail in the other cases mentioned against him in paragraph no.3 of the bail petition. It is submitted that in view of the aforesaid facts and submissions no case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

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 and submitted that pre-arrest bail would not be maintainable.

This Court is conscious of decision of the Full Bench in the case of *Ram Vinay Yadav vs. State of Bihar* reported in **2019(2) PLJR 1089**. Having regard to the law laid down in the said judgment and the submissions advanced on behalf of the petitioner, this Court, for the limited purpose of grant of anticipatory bail, 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 before the court below, named above, 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 **Spl. Judge, Excise Act, Muzaffarpur** in connection with **Katra P. S. Case no. 278 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		T	
---	--	---	--

