

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71118 of 2019

Arising Out of PS. Case No.-273 Year-2019 Thana- ALOULI District- Khagaria

PURAN MUKHIYA S/o Buchchan Mukhiya R/o village- Budhaura, P.S.-
Alauli, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner is apprehending his arrest in Alauli P.S. Case no.
273/2019 registered under sections 30 and 30(a) of the Bihar
Prohibition and Excise Act.

386 liters Indian made foreign liquor which is banned is
said to have been recovered from the orchard of Ramchandra
Mukhiya. Petitioner's name has surfaced on secret information that
he was consignee of the liquor kept at the orchard of Ramchandra
Mukhiya.

Counsel for the petitioner submits that recovery was not
in his presence or from his possession. Prosecution case itself
suggests that recovery was made from orchard of Ramchandra
Mukhiya. On the basis of suspicion arising out of secret information,
he is being implicated in this case though there is no factual basis



even in the FIR.

Petitioner has no concern with the said recovery and has been implicated in his case on extraneous consideration. In such circumstance, no case whatsoever has been made out against the petitioner under Bihar Prohibition and Excise Act.

The learned APP for the State has opposed the prayer for anticipatory bail by 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 counsel for the petitioner.

Considering the aforesaid submissions and in light of the judgment of the Full Bench of this court in the case of Ram Vinay Yadav-versus- State of Bihar, 2019 (2) PLJR 1089, prayer for anticipatory bail is allowed.

In the event of arrest/ surrender within four weeks from the date of receipt of a copy of the order in the court below, petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Special Judge Excise Act, Khagaria in Alauli P.S. Case no. 273/2019 subject to the condition under section 438(2) Cr.P.C and other conditions.

(1) 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.



(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

s.hassan/-

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