

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87480 of 2019

Arising Out of PS. Case No.-391 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

ROHIT KUMAR S/o Ram Briksh R/o village- Kali Mahal, Mugalsarai, P.S.-
Mugalsarai, District- Chandauli (U.P.)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Sunil

For the Opposite Party/s : Ms.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 10-06-2020 Heard the learned counsel for the parties.

This application for anticipatory bail arises out of Bhabua P.S. Case No.391 of 2019, disclosing offences under Sections 290,216,188 of the Indian Penal Code and Sections 30(a), 37 (1) (2) of the Bihar Prohibition and Excise Act, 2018.

It is alleged in the First Information Report that during the course of raid conducted by the police, when a group of persons was celebrating some event, 20 persons were apprehended, who were found to have consumed liquor. . An Orchestra programme was organized. The petitioner, according to the FIR disclosed as the persons, who had organized the programme and had brought some dancers from outside. They



disclosed that he had also consumed liquor.

Learned counsel appearing on behalf of the petitioner has submitted that only on the basis that some of the apprehended persons took the petitioner's name as the person who had also consumed liquor, he has been made accused. He has submitted that there is no evidence to suggest that the petitioner had consumed liquor. He accordingly submits that bar Under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall have no application for consideration of grant of anticipatory bail.

On perusal of the First Information Report, I find substance in the submission made on behalf of the petitioner. This application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, 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 the learned 4th Additional District Judge-cum-Special Judge (Excise), Kaimur at Bhabua in Bhabua P.S. Case No. 391 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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