

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1798 of 2020

Arising Out of PS. Case No.-261 Year-2018 Thana- SULTANGANJ District- Patna

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Suraj Ram @ Suraj Kumar, Son of Late Bholi Ram Resident of Mohalla -
Ambedkar Colony, P.S.- Sultanganj, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Pushpa Sinha.1

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 28-02-2020 Heard learned counsel appearing for the petitioner as
well as learned Additional Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with
Special Case No.8759 of 2018 arising out of Sultanganj P. S.
Case No.261 of 2018 registered for the offences punishable
under Sections 30(a), 38 of the Bihar Prohibition and Excise
Act.

3. The alleged recovery has been made from a tank
and the informant claims that petitioner and two others namely,
Vicky Kumar and Sanjay Kumar were seen fleeing from the
place of occurrence. The informant claims in his



written report that the petitioner and above stated two accused were engaged in selling the liquor illegally.

4. It is true that Section 76(2) of the Bihar Prohibition and Excise Act, 2016 bars to entertain petition under Section 438 of the Cr.P.C., but the facts of the present case do not disclose prima facie any offence of Excise Act against the petitioner because the informant has not disclosed in his written report as to who gave information to him that petitioner and two others were selling the liquor. Moreover, co-accused Vicky Kumar and Sanjay Kumar have already been granted privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 17.01.2019 passed in Cr. Misc. No.1191 of 2019.

5. Considering the aforesaid facts and circumstances of the case as well as submissions of the parties and also to maintain the parity of justice, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the Court concerned, shall 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 learned Special Judge, Excise, Patna in connection with Special Case No.8759 of 2018 arising out of Sultanganj P. S. Case No.261 of



2018, subject to conditions as laid down under Section 438(2) of
the Cr.P.C.

(Hemant Kumar Srivastava, J)

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