

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31307 of 2020

Arising Out of PS. Case No.-381 Year-2019 Thana- SAKRA District- Muzaffarpur

Ram Chandra Sah @ Sopal Sah, Son of Laxmi Sah, Resident of Village -
Paharpur, P.S.- Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-01-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection with Sakra P.S. Case No.381 of 2019 registered for the offence punishable under Sections 420, 467, 468 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The police got a secret information that one Md. Raunak has brought illicit liquor being unloaded in the under construction house of the petitioner situated in the mango orchard of co-accused Abdulla Munne Mian.

It is submitted by the petitioner's counsel that even as per the prosecution case, there is no allegation that the petitioner has brought the liquor for trade. The fact that it may



have been stored in the petitioner's under construction house cannot form the basis of any allegation for the offences under the Bihar Prohibition and Excise Act, as the same was having general access to all, being still under construction.

Learned APP for the State has opposed the prayer for pre-arrest bail on the ground of the same being not maintainable in view of the statutory bar on pre-arrest bail under the Bihar Prohibition and Excise Act.

Considering the rival submissions and the facts, this Court, in view of the parameters for considering pre-arrest bail laid down by a Full Bench of this Court in the case of ***Ram Vinay Yadav vs. State of Bihar***, reported in ***2019(2) PLJR 1089(FB)***, is inclined to accept the submissions advanced by the petitioner's counsel for the limited purpose of grant of pre-arrest bail. The petitioner's prayer for anticipatory bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur, in connection with Sakra P.S. Case No.381 of 2019, subject to the conditions as laid down



in Section 438(2) of the Code of Criminal Procedure 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 and if he fails to do
so on two consecutive dates, his bail bond
will be liable to be cancelled.

This Court would expect that the petitioner's counsel
would honour his undertaking in the instant proceedings
regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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