

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37432 of 2023

Arising Out of PS. Case No.-140 Year-2023 Thana- DANAPUR District- Patna

Pintu @ Doma @ Pintu Kumar S/O Late Dina Rai @ Dina Nath Ray R/O
Mohalla- Pethiya Bazar, Ps. Danapur, Dist. Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Danapur P.S. Case No. 140 of 2023 registered for the offence punishable under Sections 30(a) and 37(b)(c) of the Bihar Prohibition and Excise Act, 2018.

3. The two persons have fled away when the police had arrived on information that they were creating nuisance and they were in inebriated condition.

4. The learned counsel for the petitioner submits that as per prosecution case, the recovery of the liquor is from the thatched hut of co-accused Sujit Kumar. Whereas from the petitioner's house, nothing has been recovered. It is stated that he has fled away. The identification is also doubtful and the



circumstances are such that it can be said for the purposes of grant of anticipatory bail that no offence under the Bihar Prohibition and Excise Act is made out.

5. 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.

6. 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 allow the prayer for anticipatory bail.

7. 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 Excise Judge, Danapur (Patna) in connection with Danapur P.S. Case No. 140 of 2023, 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.

(Madhuresh Prasad, J)

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