

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48802 of 2023

Arising Out of PS. Case No.-65 Year-2023 Thana- CHORAUT District- Sitamarhi

Rajesh Pandit, S/O Ramlakhan Pandit R/O Village- Chouraut, Ward No. 10.
Ps. Chouraut, Dist. Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-08-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Chouraut P.S. Case No. 65 of 2023 registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act.

3. 2.7 litres of illicit liquor has allegedly been
recovered from the petitioner's house.

4. It is submitted by learned counsel for the petitioner
that the petitioner was not present at the time of occurrence. The
liquor has been planted by someone on extraneous
considerations. The petitioner has no antecedent and the
prosecution case, even if taken at the face value for the purposes
of consideration under Section 76(2) Bihar Prohibition and



Excise Act for grant of bail, no case can be said to be made out.

5. The learned APP for the State has opposed the prayer for anticipatory bail. It is submitted that the allegations are under the Bihar Prohibition and Excise Act, and there is a bar to grant of bail under section 76 of the Act.

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 accept the submissions advanced by learned counsel for the petitioner, for the purposes of grant of 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 Judge, Exclusive Excise Court No.2, Sitamarhi, in connection with Chouraut P.S. Case No. 65 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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