

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64725 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- ARER District- Madhubani

SHANKAR SAFI Son Of Panchu Safi @ Biraju Safi Resident Of Village
Salempur, Bhojparaul, P.S Bisfi, District Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Subhash Kumar Jha, Advocate
For the State	:	Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity 'APP') appearing for
the State of Bihar.

2. The petitioner is apprehending his arrest in connection with Arer P.S. Case No. 98 of 2023 registered for the offence punishable under Sections 272, 273, 414 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. As per prosecution case, there is recovery of 45 liters of illicit liquor which one *Kari Yadav* (co-accused) was allegedly carrying on his motorcycle. Petitioner has allegedly fled away.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. There is no



recovery from him. He has no concern with the motorcycle and having no antecedents, he has been implicated in this case on account of his proximity with co-accused *Kari Yadav*. No case is made out against the petitioner.

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. This Court is conscious of decision of the Full Bench in the case of *Ram Vinay Yadav vs. State of Bihar* reported in **2019(2) PLJR 1089**. Having regard to the law laid down in the said judgment and considering the rival submissions, nature of allegations, clean antecedents of the petitioner and the fact that recovery is made from another person, this Court finds that the conditions for grant of anticipatory bail exists. The court, therefore, is inclined to allow the prayer for bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. 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 Additional Sessions Judge 2nd-cum-Special Judge, Excise Act, Madhubani, in connection with Arer P. S. Case No. 98 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with 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)

shashank/-

U		T	
---	--	---	--

