

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39056 of 2015

Arising Out of PS.Case No. -55 Year- 2015 Thana -TEKARI District- GAYA

Babloo Yadav S/o Brij Yadav Resident of Village Mahmanna, P.S. Tekari,
District Gaya.

..... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Rashmi Kumari Mandilwar, Advocate

For the Opposite Party/s : Mr. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-09-2015 Heard learned counsel for the petitioner and
learned Assistant Public Prosecutor for the State.

This application for grant of anticipatory bail
arises out of Tekari PS Case No. 55 of 2015, disclosing offence
under Section 47(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that
this is for the first time that the petitioner is made an accused for
the offence punishable under Section 47(a) of the Bihar Excise
Act and there has been no recovery from the house or possession
of the petitioner.

Learned Additional Public Prosecutor, on the
other hand, submits that from the house of the petitioner, 20 litres
of illicit country-made liquor was recovered in course of raid
conducted by the police.

Be that as it may, considering the submission that the petitioner has no criminal antecedent and the nature of recovery, this application is allowed.

Let the petitioner above named, in the event of his arrest or surrender before the Court below within six weeks from today, 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 Sri Syed Qamnl Hasan Nzvi, Judicial Magistrate 1st Class, Gaya, in Tekari PS Case No.55 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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