

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14890 of 2016

Arising Out of PS.Case No. -122 Year- 2015 Thana -KUMARKHAND District- MADHEPURA

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Ghutar Sardar S/o Chhavi Sardar resident of village - Haribola, P.S.
Kumarkhand, District - Madhepura

... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha

For the Opposite Party/s : Mr. Bharat Bhushan (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 05-05-2016 Heard learned counsel for the petitioner and the learned
Addl. Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out of Kumarkhand (Bhatni O.P.) P.S.Case No. 122/2015, disclosing offences under section 290 of the Indian Penal Code and section 47(a) of the Excise Act.

It is submitted on behalf of the petitioner that the place, fromwhere 79 bottles country made liquor was allegedly recovered, is in joint possession of several family members of the petitioner. He has submitted that this is first instance when the petitioner has been made accused in a case under section 47(a) of the Bihar Excise Act. He has further submitted that considering the nature of allegation, there is no likelihood of tampering with the evidence.

Considering the facts and circumstances, this application is allowed.

Let the petitioner, abovenamed, in the event of his arrest/ surrender before the court below within six 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 S.D.J.M., Madhepura in Kumarkhand (Bhatni O.P.)P.S.Case No. 122/2015, G.R.No. 1388/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioner shall present himself before the police/ court, as the case may be, as 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.

This is subject to the further condition that if the petitioner is made accused in future in a similar case, the prosecution shall be at liberty to approach this Court for cancellation of his bail bonds furnished by virtue of the present order.

(Chakradhari Sharan Singh, J)

Surendra/-

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