

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14371 of 2016

Arising Out of PS.Case No. -229 Year- 2015 Thana -BHAWANIPUR District- PURNIA

1. Manoj Kumar Sah, Son of Shyam Lal Sah, resident of Village- Giddha,
P.S.- Rupauli, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. R.P.S.Singh (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 20-04-2016

Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Bhawanipur Police Station Case No. 229 of
2015, disclosing offence under Section 47 (a) of the Excise
Act.

The petitioner is said to be the driver of a
Scorpio vehicle, from which 360 lts. of country liquor was
recovered.

Learned Counsel for the petitioner has
submitted that the owner of the vehicle, namely, Pramod
Kumar Sah had given the vehicle to one Pankaj Yadav for
election purpose and the petitioner had no concern with the

said consignment. It has been stated in the application that the petitioner has no criminal antecedent.

Learned Counsel for the petitioner further submits that the owner of the said vehicle has been granted anticipatory bail vide order dated 18.01.2016, passed in Criminal Misc. No. 1227 of 2016.

Considering the facts and circumstances, this application is allowed.

Let the petitioner, Manoj Kumar Sah, in the event of his arrest or surrender before the Court below within six weeks, 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 Sri Mithilesh Kumar, learned Judicial Magistrate, 1st Class, Purnea, in connection with Bhawanipur Police Station Case No. 229 of 2015, subject to the condition 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, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

It is made clear that if the petitioner is found to

be indulging in similar activities or is made an accused for any offence under the provisions of the Bihar Excise Act, the State shall be at liberty to approach this Court for cancellation of his bail granted by the present order.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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