

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19997 of 2016

Arising Out of PS.Case No. -59 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

1. Ramdeo Manjhi Son of Late Raghunath Manjhi
2. Sanjeet Yadav son of Babu Lal Yadav, Both residents of village-
Kharhari, P.S.- Muffasil, in the District of Gaya

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary

For the Opposite Party/s : Mr. Veena Kri.Jaiswal(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 20-05-2016 Heard learned counsel for the petitioners and the learned
Additional Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out of
Mufassil P.S.Case No. 59/2016, disclosing offences under sections
272, 273 of the Indian Penal Code and section 47(a) of the Excise
Act.

It is alleged that the police recovered 60 litres of Mahua
country liquor from a place from where the petitioners fled away,
upon seeing the police.

Learned counsel for the petitioners, referring to the
seizure list, has submitted that the seizure has been apparently
made in breach of mandatory provision under section 100 of the
Cr.P.C. as both the seizure list witnesses are police personnel and

there is no independent witness to the seizure. He has further submitted that it has not been mentioned in the seizure list that recovery was made from the premises in possession of the petitioners. In paragraph 3 of the application, it has been stated that the petitioners have no criminal antecedent.

Considering the above, this application is allowed.

Let the petitioners, abovenamed, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya in Muffasil P.S.Case No. 59/2016, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioners shall present themselves before the police/ court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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