

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37765 of 2016

Arising Out of PS.Case No. -127 Year- 2016 Thana -KUDRA District- BHABHUA (KAIMUR)

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Arun Kumar Tiwari @ Arun Kumar Tripathi, son of Ramakant Tripathi, resident of village- Rampur, P.S.- Sohwan, District- Kaimur (Bhabhua) at present residing at Chenari Road, Sakri- Kudra, P.S.- Kudra, District- Kaimur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 06-10-2016 Heard Mr. Giri for the petitioner and the APP for the State.

The petitioner is facing accusation punishable under Section 120(B) of the Indian Penal Code and Sections 47, 54, 57 and 63 of the Bihar Excise (Amendment) Act registered vide Kudra P.S. Case No 127 of 2016.

Petitioner is not one of the three accused persons in whose possession huge quantity Indian Made Foreign Liquor (IMFL) was/were recovered. The informant has suspected the hands of 2-3 persons in such storage, consumption and sale of the IMFL. Petitioner is one of them. Another person who has been suspected is co-accused Anjay Kumar Singh who has since been released on anticipatory bail vide order dated 30.09.2016 passed in Cr. Misc. No. 41113 of 2016. Petitioner has clean antecedent.

Considering the fact that recovery of IMFL has not been

made from the possession of the petitioner and that he is only suspected as also the fact that one of the suspects like the petitioner has been released on anticipatory bail. I am persuaded to extend him the privilege of anticipatory bail.

In the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in Kudra P.S. Case No. 127 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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