

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32231 of 2016

Arising Out of PS.Case No. -75 Year- 2016 Thana -BAHERI District- DARBHANGA

1. Santosh Jha son of Late Girdhari jha, resident of village- Sirua, Police Station- Baheri, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 26-08-2016

Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out of Baheri P.S. Case No. 75 of 2016, disclosing offences under Sections 188, 120B/34 of the Indian Penal Code and Section 47(G) of the Excise Act.

From the room within the premises of a brick kiln, 217 cartoons of country made wine had been recovered. The recovery was made on the basis of information given by the owner of the brick kiln to the police.

Referring to the First Information Report, learned counsel for the petitioner has submitted that there is no allegation that the room from where the country made liquor was seized, was in petitioner's possession or he was in any manner involved in

keeping the said liquor in that room. He has submitted that as is evident from the First Information Report, petitioner's implication is based on vague allegation of "secret information" received by the police.

Considering the above, this application is allowed. Let the petitioner above-named in the event of his arrest/surrender within four weeks from today in the Court below 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 learned Additional Chief Judicial Magistrate-V, Darbhanga, in Baheri P.S. Case No. 75 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, 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.

(Chakradhari Sharan Singh, J)

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