

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41649 of 2016

Arising Out of PS.Case No. -334 Year- 2016 Thana -FORBESGANJ District- ARRARIA

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1. Krityanand Goswami, son of Bhaglo Goswami, Resident of Village-
Matiyari, Ward No. 7, P.S.- Forbesganj, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 29-09-2016 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Forbesganj Police Station Case No. 334 of 2016, disclosing offences under Sections 272 and 273 of the Indian Penal Code and Section 47 of the Bihar Excise (Amendment) Act, 2016.

From the petitioner's house, 15.6 litres of country made liquor was recovered in course of raid conducted by the Police Officials. The co-accused, Nandan Goswami, was arrested on the spot, who is said to be the son-in-law of the petitioner. However, it is not being disputed that the house belongs to the petitioner and it is being contended that his son-in-law, ordinarily, resides in

that house.

Learned Counsel for the petitioner has submitted that the petitioner is an old person and since the other co-accused, Nandan Goswami, is already in custody, no purpose would be served if the petitioner is taken into custody. It has also been submitted that the petitioner is 70 years old and he has no criminal antecedent.

Considering the facts and circumstances, this application is allowed.

Let the petitioner, Krityanand Goswami, 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 learned Chief Judicial Magistrate, Araria, in connection Forbesganj Police Station Case No. 334 of 2016, 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.

The grant of bail is subject to further condition

that in the event, the petitioner is made accused in any case under the provisions of the Bihar Excise (Amendment) Act, 2016, the prosecution shall be at liberty to approach this Court for cancellation of the bail granted by virtue of the present order.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-c

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