

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18780 of 2016

Arising Out of PS.Case No. -29 Year- 2016 Thana -KURSAKANTA District- ARRARIA

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Arun Yadav @ Arun Kumar Yadav S/o Harilal Yadav, Resident of village
- Jagir Itahi, P.S. Kursakanta, District – Araria Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar-I, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

2 05-05-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is permitted to delete the word “not”
occurring in paragraph 8 of the application.

This application for grant of anticipatory bail arises out
of Kursakanta P.S. Case No. 29 of 2016, disclosing offences under
Sections 272 and 273 of the Indian Penal Code and Section 47(a)
of the Bihar Excise Act.

Learned counsel for the petitioner has submitted that
the present is the first instance when the petitioner has been
implicated in a case under Section 47(a) of the Bihar Excise Act.
He has drawn my attention to the seizure list and has submitted
that allegedly, from the house of the petitioner, liquor in four
bottles, were recovered. He has further submitted that intoxicants
which have been shown to have been seized from other places also

but it is not clear from the seizure list that the said articles were recovered from the premises, belonging to the petitioner.

Considering the submission that the petitioner has no criminal antecedent and has been implicated, for the first time, in the case under Section 47(a) of the Bihar Excise Act, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Araria in connection with Kursakanta P.S. Case No. 29 of 2016, 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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