

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6933 of 2016

Arising Out of PS.Case No. -398 Year- 2015 Thana -AURANGABAD TOWN District-
AURANGABAD

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1. Bhikhar Sah @ Bhikhar Saw son of Kail Sah, resident of village-
Rajwari, P.S.- Aurangabad Town, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Suman Kumari Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

2 14-03-2016 Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

 This application, for grant of anticipatory bail,
arises out of Aurangabad Town Police Station Case No. 398
of 2015, disclosing offences under Sections 272 and 273 of
the Indian Penal Code and Section 47 (a) of the Excise Act.

 From the house of the petitioner, 96 bottles,
each containing 200 ml. of country-made wine, are said to
have been seized.

 It is submitted on behalf of the petitioner that
the said seizure cannot be said to have been recovered
from the conscious possession of the petitioner as the
house, in question, is owned by the joint family. She further

contends that the petitioner has no criminal antecedent and there is no likelihood that the petitioner shall flee from the course of trial.

Considering the above submission, this application is allowed.

Let the petitioner, Bhikhar Sah @ Bhikhar Saw, 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, Aurangabad, in connection with Aurangabad Town Police Station Case No. 398 of 2015, 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.

This is subject to the further condition that if the petitioner is made accused, in future, in any case under the provisions of the Bihar Excise Act, the bail granted to the petitioner by virtue of the present order shall be liable to

be cancelled.



(Chakradhari Sharan Singh, J.)