IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35359 of 2017

Arising Out of PS.Case No. -147 Year- 2017 Thana -LAURIYA District-WESTCHAMPARAN(BETTIAH)

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Birendra Prasad, son of Vishwanth Prasad, resident of Nawalpur, P.S.-Nawalpur, District- West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Amrendra Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 07-08-2017 Heard learned counsel for the petitioner.

This is an application for bail in connection with Lauriya P.S.Case No. 147 of 2017 registered for the offences punishable under Sections 272, 273, 420, 467, 468, 471, 120B, 414 of the Indian Penal Code and 30(a), 35(a), 36, 38, 41 & 47 of Bihar Prohibition and Excise Act, 2016,

Allegation against the petitioner is of recovery of 172 litres of foreign liquor from his Scorpio vehicle.

It has been submitted on behalf of the petitioner that petitioner was not arrested at the spot but the driver of the vehicle was arrested, who has disclosed the name of the petitioner and the driver has been granted bail in Cr.Misc.No. 33091 of 2017, vide order dated 20.7.2017. It has further been submitted that petitioner is in custody for two months having no criminal antecedent.

Heard learned APP also.

Having heard both sides and considering the aforesaid

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facts and circumstances, let the petitioner, named above, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, West Champaran, Bettiah, in connection with Lauriya P.S.Case No. 147 of 2017, subject to the conditions that :-

(i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.

(ii) The petitioner will not induce any witness or tamper with the evidence.

(iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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