

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24581 of 2017

Arising Out of PS.Case No. -430 Year- 2016 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Anil Sah, son of late Gauri Shankar Sah, resident of village-Kharhwa
Mushar Toli, P.S.-Banjariya, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 23-05-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Turkauliya
(Banjariya) P.S. Case No.430 of 2016 instituted for the offence
under Section(s) 272, 273, 353/34 Indian Penal Code and
Sections 47, 51, 54 of the Bihar Excise Amendment Act.

It has been submitted that there is no recovery from
the possession of this petitioner. It is merely alleged that this
petitioner is indulged in preparation of country made liquor with
Kishori Sah. The seizure list is enclosed with the First
Information Report, wherein, it is specifically mentioned that
country made liquor and several other articles, which are said to
be used for preparation of illicit liquor, were recovered from the
house of Kishori Sah.



It has further been submitted that Kishori Sah surrendered in the Court below and he has been granted regular bail by a co-ordinate Bench of this Court by order dated 23.02.2017 passed in Cr. Misc.No.3951 of 2017. It is further submitted that one of the co-accused, Hari Sah, has been granted anticipatory bail by this Court by order dated 28.04.2017 passed in Cr. Misc. No.15794 of 2017.

Petitioner is said to be the brother of Kishori Sah. It is mentioned in para 3 that the petitioner has clean antecedents.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Turkauliya (Banjariya) P.S. Case No.430 of 2016, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran, Motihari, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without



proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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