

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39087 of 2017

Arising Out of PS.Case No. -228 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Prabhu Sah, son of late Ghamandi Sah, resident of village-Shankar
Saraiya, Kasba tola, P.O. and P.S.-Turkauliya, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

8/ 13-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Turkauliya P.S.**

Case No.228 of 2017 instituted for the offence under Section(s)
272, 273/34 Indian Penal Code and Sections 30-a, 33, 36, 41, 45
of the Bihar Prohibition & Excise Act, 2016.

It has been submitted that alleged recovery has been
made from the open land in the back side of house of this
petitioner, which will be apparent from the seizure list. Seizure
list does not bear signature either of the petitioner or his family
members.

Seizure list is enclosed with the First Information
Report, wherein, it has been mentioned that alleged recovery was
made from the back side of house of this petitioner. The police



has mentioned in the seizure list that family members of petitioner refused to receive copy of the seizure list. It is mentioned in para 3 that the petitioner has clean antecedents.

In this manner, from the written report itself, it appears that there is no recovery either from the conscious possession of this petitioner or from the house of this petitioner.

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 P.S. Case No.228 of 2017**, 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 **ADJ 7-cum-Special Court of Excise Act, East Chamapran, 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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