

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49133 of 2017

Arising Out of PS. Case No.-209 Year-2017 Thana- MAHUA District- Vaishali

Vishwabandhu Kumar @ Bishbandhu Kumar, son of Late Parash Nath Kunwar. Resident of village – Kario, P.S. - Mahua, District - Vaishali at Hajipur (Bihar) at present residing in the house of Binod Yadav, in front of Mahua cold storage, P.S.- Mahua, District- Vaishali at Hajipur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Rakesh Kumar

For the Opposite Party/s : Sri Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 17-10-2017 Heard Sri Rakesh Kumar, learned counsel for the petitioner and Sri Dinesh Singh, learned Additional Public Prosecutor.

The sole petitioner, apprehending his arrest in Mahua P.S. Case No. 209 of 2017 registered for the offence under Section 414 of the Indian Penal Code, 1860 and section 30(A) /32(ii) / 38(ii) / 41 (i) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as “Excise Act”) has prayed for grant of bail in the event of his arrest or surrender.

It was submitted by learned counsel for the petitioner that on secret information petitioner has been made accused in the present case, whereas nothing was recovered from conscious possession of the petitioner. It has been argued that it is true that



petitioner was made accused earlier also, but he was never made accused in relation to offence under the Excise Act.

Considering the fact that only on secret information petitioner was made accused and nothing was recovered from his possession, there is no reason to refuse his prayer for grant of anticipatory bail.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner Vishwabandhu Kumar @ Bishbandhu Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge -II – cum – Special Judge, Vaishali at Hajipur / concerned court in connection with Mahua P.S. Case No. 209 of 2017 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure , 1973 .

(Rakesh Kumar, J)

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