

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42091 of 2017

Arising Out of PS.Case No. -137 Year- 2017 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Subodh Kumar, son of Rambhu Narayan Prasad, resident of village-
Tenua, P.O.- Katharia, P.S.- Kalyanpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 14-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

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

Case No.137 of 2017 instituted for the offence under Section(s)

Section 38 of the Bihar Prohibition & Excise Act, 2016.

Counsel for the petitioner has submitted that the
petitioner has clean antecedents.

There is allegation that eight persons were found
sitting in Bolero Car from which foreign liquor was recovered.

Petitioner is said to be owner of the vehicle.

Seizure list is enclosed with the First Information
Report from which it appears that foreign liquor has not been
recovered from the conscious possession 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 **Mehshi P.S. Case No.137 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 **7th Additional Sessions Judge-cum-Special Judge, Excise, 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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