IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39843 of 2017

Arising Out of PS.Case No. -122 Year- 2017 Thana -PHULWARI District- PATNA

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Raj Kumar Nonia @ Raju Chauhan @ Raj Kumar, Son of Chhathoo Nonia, Resident of Mohalla- Gobindpur (as per F.I.R. Gobindpur Mushahari), P.S. Phulwarisharif, Distt. Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rudra Deo, Advocate.
For the Opposite Party/s : Smt. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 13-11-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Phulwarisharif P.S. Case No. 122 of 2017** instituted for the offence under Section 30/64 of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner has submitted that there is vague allegation in the written report that work of manufacturing of Mahua liquor was going on in the land of the petitioner. There is no recovery of any incriminating article either from possession of the petitioner or from his alleged land. It has further been submitted that other co-accused Mahendra Noniya @ Mahendra Prasad (brother of this petitioner) has already been granted anticipatory bail by this Court vide order dated

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15.05.2017 passed in Cr. Misc. 16953 of 2017.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Phulwari Sharif P.S. Case No. 122 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **Sheema Eram, Judicial Magistrate, Patna**, 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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