

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56936 of 2017

Arising Out of PS.Case No. -163 Year- 2017 Thana -MUFFASIL District- AURANGABAD

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1. Prakash Kumar, Son of Bhola Yadav, resident of Village- Tendua Pokhar, Police Station- Aurangabad, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 01-12-2017 Heard learned counsel for the petitioner and learned Additional Public Prosecutor of the State.

The petitioner is apprehending his arrest in connection with Aurangabad (Muffasil) P.S.Case No. 163 of 2017 registered for offences punishable under Sections 30 (a), 38 (1) (2)of the Bihar Prohibition and Excise Act, 2016.

From the written report, it appears that the recovery has been made from the house of one Sahendra Prasad and petitioner is owner of the said seized motorcycle. Learned counsel for the petitioner also submits that there is no recovery from his conscious possession and the petitioner is a man of clean antecedent, as mentioned at para-3 of this petition.

Learned Additional Public Prosecutor opposes the



prayer of bail.

In the facts and circumstances of the case, the prayer of Anticipatory bail of petitioner is allowed and in the event of his arrest or surrender before the Court below within a period of six weeks, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each in connection with Aurangabad P.S. (Muffasil) Case No. 163 of 2017 to the satisfaction of learned Additional Sessions Judge-VII-Cum- Special Judge (Excise), Aurangabad, subject to the conditions laid down under Section 438 (2) Cr. P. C. with other 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 tamper 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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