

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59022 of 2017

Arising Out of PS.Case No. -278 Year- 2017 Thana -GAYA MUFFSIL District- GAYA

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1. Chunnu Paswan S/o Varan Paswan Residence of Village- Rewar Toli,
P.S. Mufassil, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 05-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Muffasil P.S. Case No.
278 of 2017 instituted for the offence under Section-30(a) of Bihar
Excise (Amendment) Act, 2016.

It has been submitted that there is no recovery from
conscious possession of the petitioner.

In the written report, it is alleged that country-made liquor
has been recovered from the road towards south of railway station.

It is alleged that the informant identified this petitioner in
the torch light but he managed to run away from the place of
occurrence.

From the seizure list which is annexed with FIR, it appears
that there is no recovery of country-made liquor from conscious
possession of the petitioner. In paragraph-3 of the petition, it has been



mentioned that the petitioner has no criminal antecedent.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Muffasil P.S. Case No. 278 of 2017 to the satisfaction of learned Special Judge (Excise), Gaya subject to condition as laid down u/S 438(2) of the 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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