

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54152 of 2017

Arising Out of PS.Case No. -84 Year- 2017 Thana -RAUTRA District- KATIHAR

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Govind Chouhan @ Gunda Chouhan, S/o Manik Chouhan, R/o Gobindpur
Chouhan Tola, P.S.- Rautara, Distt- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Rautara P.S.**

Case No. 84 of 2017 instituted for the offence under Sections
30(a) of Bihar Prohibition and Excise Act.

It has been submitted that petitioner has clean
antecedent.

There is allegation that during patrolling, a person
after throwing the bag from his hand was seen fleeing away.
Police recovered two plastic bottles from the bag containing four
litres of country made liquor.

The seizure list is available in the First Information
Report wherein it is mentioned that recovery is made from the
bag. The seizure list does not bear signature either of the petitioner



or any of his family members. As such, there is no recovery from conscious possession of the petitioner.

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 **Rautara P.S. Case No. 84 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 learned **A.D.J.II cum Special Judge, Excise Act, Katihar**, 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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