

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52521 of 2017

Arising Out of PS.Case No. -185 Year- 2017 Thana -GAUTAMBUDHNAGAR District- SIWAN

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Sohan Sah, Son of Late Yogendra Sah, resident of village - Tarwana, Purani Bazar, P.S. G.B. Nagar, District - Siwan.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rakesh Kumar Tiwary, Advocate.

For the Opposite Party : Smt. Anusuiya Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 17-11-2017 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

Petitioner apprehends his arrest in G.B.Nagar

P.S. Case No.185 of 2017 for the offence under Sections

272, 273, 308 of the I.P.C.and Section 30, 38 of the Bihar

Prohibition Excise Act.

As per the F.I.R., acting upon a tip of

information the informant along with other police party

raided the premises of Tea Stall of the petitioner and

recovered total five liters foreign liquor from the bush of

the premises.

Counsel for the petitioner has submitted that

there is no recovery from the conscious possession of the



petitioner. The seizure list shows that recovery has been affected from the bush in the premises of Tea Stall of the petitioner. Seizure list does not bear any signature either of the petitioner or of his family member.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of A.D.J.- II-cum-Special Judge, Excise, Siwan, in G.B.Nagar P.S. Case No.185/17 subject to the conditions as laid down under Section 438 (2) of 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)

AnilKrSinha/-

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