

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57057 of 2017

Arising Out of PS.Case No. -344 Year- 2017 Thana -DIGHA District- PATNA

=====

1. SANNY KUMAR @ SHANI KUMAR,
2. Manish Kumar, Both sons of Arbind Roy, Resident of Village- Manas
Naya Panapur, P.S.- Akilpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Indu Bhushan

For the Opposite Party/s : Mr. Sri Umanath Mishra

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 04-12-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Special Case No. 6799 of 2017 arising out of Digha P.S. Case No. 344 of 2017 instituted for the offence under Sections-30(a), 38(i) of Bihar Prohibition and Excise Act, 2016.

It has been submitted that the petitioners have no criminal antecedent.

From the seizure list enclosed with the FIR, it appears that recovery of the foreign liquor has been made from the hut of Arvind Rai. The seizure list bears signature of Arvind Rai.

From the written report itself, it appears that Arvind Rai took the name of these petitioners before the police and he told that these petitioners used to bring the liquor and Arvind Rai sells the liquor. As such, there is no recovery from conscious possession of these



petitioners.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their 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 Special Case No. 6799 of 2017 arising out of Digha P.S. Case No. 344 of 2017 to the satisfaction of learned Additional District & Sessions Judge-VIII-cum-Special Judge, Excise Act, Patna 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) petitioners 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 petitioners and (3) if petitioners 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 petitioners.

(Sanjay Priya, J)

A.K.V./-

U		T	
---	--	---	--

