

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18444 of 2017

Arising Out of PS.Case No. -40 Year- 2016 Thana -TANDWA District- AURANGABAD

- =====
1. Mahendra Yadav @ Mahendra Kumar Yadav, Son of Shivnandan Yadav.
 2. Yamuna Yadav, son of Lakhan Yadav @ Ram Lakhan Yadav.
 3. Manoj Yadav @ Manoj Kumar, Son of Janeshwar Yadav, All resident of Village Kualhiya, P.S.- Hariharganj, Dist.- Palamu (Jharkhand).
- Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar
For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 16-05-2017

Heard learned counsel for the petitioners and
the State.

The petitioners apprehend their arrest in
Tandwa P.S. Case No. 40 of 2016 instituted for the offence under
Section (s) 47/54/53(B) of the Bihar Prohibition and Excise
(Amendment) Act, 2016.

It has been submitted on behalf of the
petitioners that petitioners have no criminal antecedent. The names
of these petitioners have been disclosed by the persons who have
been apprehended by the police while taking liquor.

From the written report itself, it appears that
five persons were apprehended by the police while taking liquor
and on interrogation they disclosed that those liquors belong to the
petitioners.



In this manner, there is no recovery from the possession of these petitioners. The petitioners have not been caught on the spot and they have clean antecedent.

In the facts and circumstances of the case, the prayer of the petitioners for anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, above named, within six weeks from today in connection with Tandwa P.S Case No. 40 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, 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) 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)

Shageer/-

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

