

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35886 of 2017

Arising Out of PS.Case No. -138 Year- 2017 Thana -JAKKANPUR District- PATNA

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1. Sanny @ Sanny Kumar @ Raju Kumar S/o- Late Krishna Sah, Resident of- In the house of Bakhaury Chaudhary as a Tanant, Mohalla- Purani Jakkanpur, Kahartoli, P.S.- Jakkanpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Mishra

For the Opposite Party/s : Mr. Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-08-2017 Heard the parties.

The petitioner seeks regular bail in connection with Jakkanpur P.S.Case No.138 of 2017 dated 19.5.2017 bearing Special Case No.1866 of 2017, registered for offences punishable under Sections 30(a)/38/47 of the of Bihar Excise Act.

Allegation against the petitioner as per F.I.R. is of recovery of 216 ltrs. of country-made liquor from the abandoned tempo and the petitioner is said to be driver of the Tempo.

Submission of the learned counsel for the petitioner is that nothing has been recovered from the conscious possession of the petitioner and even the tempo was not parked near his house as such it can not be said that the seized article belongs to the petitioner and he is in custody for more than two months.



Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-Excise, Patna in connection with Jakkanpur P.S.Case No.138 of 2017 dated 19.5.2017 bearing Spl. 1866 of 2017.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in disposal of trial and make himself available as and when required by the court. In the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, his bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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