

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53965 of 2017

Arising Out of PS.Case No. -209 Year- 2017 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. Aditya Kumar @ Bittu Son of Rajiv Kumar @ Rajiv Kunwar Resident of
Village- Kariho, P.S. Mahua, District Vaishali .

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 15-11-2017 Heard the parties.

The petitioner seeks regular bail in connection with Mahua P.S.Case No.209 of 2017 registered for offences punishable under Section 414 of the IPC and Sections 30(A), 32(ii), 38(iii) and 41(i) of Bihar Prohibition of Excise Act, 2016.

Allegation against the petitioner as per FIR is about recovery of 4000 ltrs. of liquor from a truck standing in the brick kiln. The petitioner is named in the FIR.

Submission of the learned counsel for the petitioner is that he has been made accused in this case only on the basis of suspicion, nothing has been recovered from his possession and he has been arrested on the spot and two other accused persons having similar allegation have already been granted privilege of anticipatory bail by this Court, vide order dated 17.10.2017 passed in Cr. Misc. No.49133 of 2017 and dated 9.11.2017 passed in Cr.



Misc. No.53586 of 2017. The petitioner has no criminal antecedent and he is in custody for three months.

Heard learned A.P.P. also.

Having heard both sides and no doubt there is recovery of huge quantity of liquor but two other co accused have already been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, as such, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge XI-cum-Special Judge, Hajipur, Vaishali in connection with Mahua P.S. Case No.209 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 the disposal of trial and make himself available as and when required by the court and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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