

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14180 of 2017

Arising Out of PS.Case No. -170 Year- 2016 Thana -KALYANPUR District- SAMASTIPUR

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Avdhesh Kumar @ Abdhesh Kumar, son of Ramchanda Baitha, resident of
Village Nima Chak Mehsi, P.S. Chak Mehsi, District Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 26-04-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Kalyanpur P.S.

Case No. 170 of 2016 instituted for the offence under Sections
272, 273 of the Indian Penal Code, Sections 30 and 38 of the
Bihar Excise Amendment Act, 2016.

It is alleged that 54 bottles each containing 180 ml.
and 32 bottles each containing 375 ml. of foreign liquor have been
recovered from Maruti Swift Desire. It is alleged that the
petitioner was the owner of the aforesaid vehicle.

From the written report itself it appears that petitioner
was not present on the spot. Thereafter, the instant case has been
registered against the petitioner. It is mentioned in paragraph-3 of
the bail petition that the petitioner has clean antecedent.



Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Kalyanpur P.S. Case No. 170 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur, subject to the conditions as laid down under Section 438 (2) 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.

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(Sanjay Priya, J)

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