

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52179 of 2017

Arising Out of PS.Case No. -46 Year- 2017 Thana -NOKHA District- SASARAM (ROHTAS)

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1. Arbind Kumar @ Arvind Kumar Son of Vijay Chaudhary Resident of
village- Raghunathpur, Police Station- Nokha, District- Rohtas at Sasaram

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Upadhyay Saurav Kumar, Adv

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 13-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Nokha P.S. Case No. 46
of 2017 instituted for the offence under Sections-272, 273, 120-B of the
Indian Penal Code and Section-30 of Bihar Prohibition and Excise
Act, 2016.

It has been submitted that there is no recovery from
conscious possession of the petitioner. The petitioner is a man of clean
antecedent.

In the written report, it is alleged that two persons namely
Tinku Kumar and Pramod Kumar were apprehended by police on
motorcycle and he disclosed that the liquor which is loaded on the
magic van, are to be delivered to the house of two persons namely,
Prince Kumar @ Lalloo and the petitioner. It is further alleged that
police searched house of this petitioner but did not recover any liquor



from his house.

From seizure list, it appears that liquor has been recovered from the magic van and motorcycle.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his 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 in Nokha P.S. Case No. 46 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate, Rohtas, Sasaram 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) 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.

(Sanjay Priya, J)

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