

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59841 of 2017

Arising Out of PS.Case No. -377 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District -
MUZAFFARPUR

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1. Dilip Bhagat son of Sri Umesh Bhagat resident of village - Chak
Mohabbatpur, P.S. Ahiyapur, District - Muzaffarpur.

Versus

.... Petitioner/s

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in P.R. No. 39 of
2017-18, Excise No. 377 of 2017 instituted for the offence under
Sections 30(a), 32 and 38 of Bihar Prohibition and Excise Act,
2016.

Counsel for the petitioner has submitted that petitioner
has clean antecedent. There is no recovery of any foreign liquor
from conscious possession of the petitioner. In the written report,
it is alleged that recovery of foreign liquor has been made near
Pipal tree from one Bolero Pick-up van. The seizure list was
prepared. From seizure list, it appears that no recovery was made
from conscious possession of the petitioner.



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 bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with P.R. No. 39 of 2017-18, Excise No. 377 of 2017 to the satisfaction of learned 3rd Additional Sessions Judge-cum-Spl. Judge Excise, Muzaffarpur 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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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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