

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56946 of 2017

Arising Out of PS.Case No. -97 Year- 2017 Thana -SHEOHAR District- SHEOHAR

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1. Amod Pandey @ Amod Kumar Pandey, Son of Late Rajendra Pandey,
resident of Village- Fatahpur, P.S. + District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 01-12-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor of the State.

The petitioner is apprehending his arrest in connection
with Sheohar P.S. Case No. 97 of 2017 registered for offences
punishable under Sections 30 (a) and 38 of Bihar Prohibition and
Excise (Amendment) Act, 2016.

It is alleged in the written report that four cartoons of
Royal Stag Foreign liquor (110 piece of 180 ml. and 24 piece of
375 ml. Royal Stag bottles) about 288 liters liquor were recovered
from the Southern – Eastern corner from outside of dry grass
house of co-accused, Faudi Sahni and the name of petitioner
surfaced on the confessional statement of co-accused, Faudi Sahni.

It has been submitted by the learned counsel for the
petitioner that there is no recovery of liquor from the conscious
possession of the petitioner. It is mentioned in para-3 of the



petition that he has clean antecedent.

Learned Additional Public Prosecutor opposes the prayer of bail.

In the facts and circumstances of the case, prayer of Anticipatory bail of petitioner is allowed and in the event of his arrest or surrender before the Court below within a period of six weeks, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each in connection with Sheohar P.S.Case No. 97 of 2017 to the satisfaction of learned Additional Sessions Judge 1st –Cum-Special Judge- Excise Act, Sheohar, subject to the conditions laid down under Section 438 (2) Cr.P.C. with other 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 tamper 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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