

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13052 of 2017

Arising Out of PS.Case No. -123 Year- 2016 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Sant Jaiswal, Son of Late Girija Prasad, Resident of Village-
Bhawanipur, P.S.- Sangrampur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

For the State : Mr. Nawal Kishore Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 27-04-2017 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in Sangrampur P.S. Case No. 123 of 2016 instituted for the offence under Sections-272/273 of the Indian Penal Code and 30(A) of the Bihar Prohibition and Excise Amendment Act, 2016.

As per written report, the locked house of the petitioner was opened by the police after breaking the lock and it is stated that some foreign liquor was recovered. In the written report, it is mentioned that on 16-10-2016, the police got information that foreign liquor has been kept in the house of the petitioner and thereafter, police broke open the



lock of house of the petitioner and it is stated to have recovered foreign liquor. In this manner, from the written report, this court finds that there was no family member of the petitioner present at the house at the time of seizure.

Counsel for the petitioner has submitted that this is high handedness of the police.

Accordingly, prayer for anticipatory bail is allowed it is ordered that the petitioner named above, in the event of his arrest or surrender in the court below within four 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 Sangrampur P.S. Case No. 123 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran 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)

A.K.V./-

U		T	
---	--	---	--

