

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16940 of 2017

Arising Out of PS.Case No. -30 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
WESTCHAMPARAN(BETTIAH)

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1. Surendra Prasad Gupta Son of Late Thagai Sah, Resident of Village-
Semra, P.O.- Harnatand, P.S- Lokaria, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shafiur Rahman

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 12-05-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Excise Case No.
30 of 2016 instituted for the offence under Section-47(a) of the
Bihar Excise (Amendment) Act, 2016.

It has been alleged that 200 ml. country-made liquor
was recovered from the dicky of the motorcycle of the petitioner
and one bottle of 200 ml. country-made liquor was recovered from
co-accused Prem Sagar Sharma who was pillion on the aforesaid
motorcycle.

It has been submitted on behalf of the petitioner that
there is no recovery of any illicit liquor from his possession. The
seizure list enclosed with the petition mentions that 200 ml.
country-made liquor has been recovered from physical possession



of Prem Sagar Sharma and other 200 ml. country made liquor has been recovered from the dicky of the motorcycle. From the seizure list, it is apparent that the petitioner was not present at the spot. It has been stated that he ran away on seeing the police party. Counsel for the petitioner submitted that in fact, he was not driving the motorcycle rather the motorcycle was being driven by Pram Sagar Sharma. The petitioner is only owner of the aforesaid motorcycle.

In such circumstances, 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 in Excise Case No. 30 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Bagaha, West 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 petitioners 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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