

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39121 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -GAMAHARIYA District- MADHEPURA

- =====
1. Ashok Yadav, S/o Sri Surendra Yadav, resident of village- Dighia, PS & District Saharsa. &
 2. Parmanand Yadav, son of Sri Yugeshwar Yadav, resident of Village Sukhasa Ghogharsan, Ward No. 9, P.S. & District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Roy, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

8/ 13-11-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Gamaharia P.S. Case No.15 of 2017** instituted for the offence under Section(s) 419, 420 Indian Penal Code and Section 30-A of the Bihar Prohibition & Excise Act, 2016.

Counsel for the petitioners has submitted that Tempo Driver was arrested loaded with alcoholic products. He disclosed that he was taking those articles to godown of these petitioners.

Counsel for the petitioners has submitted that WFM Food Products was given licence vide Annexure-2 and 3 to manufacture the articles recovered. Petitioner was Distributor for the Supaul Nagar Parishad, Pipra, Nirmali, and other places as mentioned in Annexure-4. Recovered articles were sent for



chemical analysis and report has been received that articles are non-alcoholic products (Annexure-5).

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Gamaharia P.S. Case No.15 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate, IV, Madhepura**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners 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 petitioners 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 petitioners.

(Sanjay Priya, J)

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