

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38590 of 2017

Arising Out of PS.Case No. -42 Year- 2017 Thana -GARAUL District- VAISHALI(HAJIPUR)

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1. Mahesh Paswan, son of Basu Paswan, resident of Village- Kiratpur
Rajaram, P.S. - Bhagwanpur, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

8/ 13-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Garaul P.S. Case No.42 of 2017** instituted for the offence under Section(s) 30-a, 32(ii), 38, 41(i) of the Bihar Prohibition & Excise Act, 2016.

Counsel for the petitioner has submitted that he was not apprehended at the spot. He has been described by the driver as owner of the vehicle. Counsel for the petitioner has pointed out Annexure-2, which will show that owner of the vehicle was Mithilesh Kr. Tiwari. It is mentioned in para 3 that the petitioner has clean antecedents.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the



event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Garaul P.S. Case No.42 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Sub-Divisional Judicial Magistrate, Vaishali at Hajipur**, 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) 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.

JA/-

(Sanjay Priya, J)

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