

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56833 of 2017

Arising Out of PS.Case No. -281 Year- 2017 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

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1. Bipin Mukhiya s/o late Bhadai Mukhiya resident of village - Bakhari
Khajuri, P.S. - Dhaka, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, 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 Dhaka P.S.Case No. 281 of 2017 registered for offences
punishable under Sections 120 (B) of the Indian Penal Code and
Section 30 (a) of Bihar Prohibition & Excise Act.

The accusation against the petitioner is that 350 bottle
Nepali liquor was recovered from the house of the petitioner and
accordingly seizure list was prepared.

From the written report, it appears that there is no
recovery from the conscious possession of the petitioner. The
name of petitioner was disclosed by Ram Janam Choudhary.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent.

Learned Additional Public Prosecutor opposes the



prayer of bail.

Accordingly, 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 Dhaka P.S.Case No. 281 of 2017 to the satisfaction of learned Special Judge, Excise, East Champaran at Motihari, 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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