

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39862 of 2017

Arising Out of PS.Case No. -177 Year- 2017 Thana -AMARPUR District- BANKA

- =====
1. Amit Harijan, Son of Mahendra Harijan.
 2. Sugrib @ Sugga Harijan, Son of Ramdhani Harijan.
 3. Mahendra Harijan, son of late Battan Harijan.
- All are resident of village-Garhel, P.S. Amarpur District-Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate.

For the Opposite Party/s : Mr. Nityanand, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 13-11-2017 Heard learned counsel for the petitioners and the State.

Learned counsel for the petitioners has submitted that petitioner Nos. 1 and 3 namely, Amit Harijan and Mahendra Harijan have already been arrested. Therefore, their prayer for anticipatory bail has become infructuous.

The prayer for anticipatory bail of petitioner Nos. 1 and 3 is dismissed as having become infructuous.

The petitioner No. 2 apprehends his arrest in **Amarpur P.S. Case No. 177 of 2017** instituted for the offence under Section 30(a) of Bihar Prohibition Act and Excise Act, 2016.



It has been submitted that petitioner No. 2 has clean antecedent. There is allegation that 150 pouches of country made liquor have been recovered from his house.

The seizure list has been enclosed with the First Information Report which bears neither signature of petitioner No. 2 nor any of his family members.

From the written report it appears that there is no recovery from conscious possession of petitioner No.2.

Considering the facts and circumstances of the case, prayer for anticipatory bail of petitioner No. 2 is allowed. In the event of surrender/arrest of the petitioner No. 2, named above, within six weeks from today, in connection with **Amarpur P.S. Case No. 177 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Additional Sessions Judge-IIInd, Banka**, 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.

S.Ali/-

(Sanjay Priya, J)

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