

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.56812 of 2017**

Arising Out of PS.Case No. -301 Year- 2017 Thana -BIHTA District- PATNA

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Bulu Rai @ Kamlesh Rai, son of Chandeshwar Rai, resident of village -  
Maudahi, P.S. - Bihta, District - Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar, Advocate.

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

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

2      05-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Bihta P.S. Case No. 301 of 2017** instituted for the offence under Sections 272, 273 of the Indian Penal Code, Sections 30(a) and 37(b)(c) of the Bihar Prohibition of Excise Act, 2016.

It has been submitted on behalf of the petitioner that name of this petitioner has been disclosed by co-accused Prem Sagar who was arrested by the police with 45 litres of country made liquor.

From the seizure list it appears that country made liquor was recovered from three persons namely, Prem Sagar, Tejan Yadav and Santosh Kumar Yadav near the bank of Sone river.

As such there is no recovery from conscious possession of this petitioner.

It is mentioned in paragraph-3 of the bail petition that



petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Bihta P.S. Case No. 301 of 2017, Spl. Case No. 1198 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 Special Judge, Excise, Patna**, 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.

(Sanjay Priya, J)

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