

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56839 of 2017

Arising Out of PS.Case No. -91 Year- 2016 Thana -AMBA District- AURANGABAD

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1. Ramadhar Thakur S/o Late Sheosaran Thakur, R/o Vill.- Hariharganj,
P.S.- Hariharganj, District- Palamu (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, 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 Amba P.S.Case No. 91 of 2016 registered for offences
punishable under Sections 30 (a) of Bihar Excise Prohibition and
Excise Act, 2016.

It is alleged that on 20.11.2016 one Tempo driver
after seeing the police succeeded in fleeing away. The police party
searched the Tempo and recovered 5 plastic bags full of country
made liquor each 200 ml x 1130 pouches from the Tempo. The
seizure list was prepared in presence of two witnesses.

From the written report, it appears that no recovery
was made from conscious possession of the petitioner. The seized
tempo was already sold by the petitioner to one Uday Choudhary
on 15.01.2016, for which, the sell agreement has been prepared.



The petitioner is having clean antecedent, as mentioned in para-3 of the petition.

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 Amba P.S.Case No. 91 of 2016 to the satisfaction of the learned Additional Session's Judge- II Cum Special Judge, Aurangabad, 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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