

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3799 of 2018

Arising Out of PS.Case No. -48 Year- 2017 Thana -ASAWAN District- SIWAN

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1. Akhilesh Dubey S/o Umesh Dubey @ Umesh Chand Dwivedi, R/o
Village- Babhanaull, P.S.- Assam, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Dr. Indivar Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-02-2018 The petitioner is apprehending his arrest in connection with Asawan P.S. Case No. 48 of 2017, registered for offences punishable under Sections 272, 273 and 308 of the Indian Penal Code and Section 30(a), 38(b) of the Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of 1641 litre and 780 ML. foreign liquor.

It has been submitted on behalf of the petitioner that nothing has been recovered from the possession of the petitioner rather the recovery was made from a school, which was being run by the co-accused of this case, who has already been granted the privilege of anticipatory bail vide order dated 17.10.2017 passed in Cr. Misc. No. 46146 of 2017 and except this petitioner was also



an accused in a case under Section 302, in which petitioner has already been acquitted.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case and also the fact that other co-accused has already been enlarged on bail, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge –II Cum Special Judge (Excise) in connection with Asawan P.S. Case No. 48 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C as well as subject to the following conditions.

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the



event of failure on his part two appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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