

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3284 of 2018

Arising Out of PS.Case No. -215 Year- 2017 Thana -KHAGAUL District- PATNA

- =====
1. Upendra Rai , aged about 27 years S/o- late Shyam Babu Rai R/o- Dalluchak, P.S. Khagaul, District- Patna.
 2. Chotu Kumar, aged about 22 years S/o Sanjay Paswan R/o Goraiya Asthan Gari Khana, P.S. Khagaul, District Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ghanshyam Tiwary, Advocate
For the Opposite Party : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 02-02-2018

Heard.

2. The petitioners apprehend arrest in connection with Khagaul P.S.Case No.215 of 2017 registered for an offence under Sections 30(a) and 37(b) of the Bihar Excise Act, 2016.

3. The informant of this case is the police officer who along with patrolling party conducted raid at the place of occurrence and apprehended four persons in intoxicated condition. The police party seized 3.5 liters of wine in different pot from their possession.

It has been submitted that the petitioners were neither apprehended at the spot nor any incriminating material has been recovered from their possession. The name of these petitioners was disclosed by the apprehended accused who are at inimical term with these petitioners. Petitioners have clean antecedent.



4. However, learned APP opposed the submissions.

5. Considering the aforesaid facts and circumstances, the prayer for anticipatory bail is allowed. Let the above named petitioners in the even of their arrest or surrender before the court below within six weeks from today 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 ADJ-VII-cum-Special Judge, Excise Act, Patna in connection with Special Case No.8037 of 2012 arising out of Khagaul P.S.Case No.215 of 2017 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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