

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27554 of 2018

Arising Out of PS. Case No.-51 Year-2017 Thana- DAWATH District- Rohtas

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Vivekanand Chaudhary S/o Late Banshidhar Chaudhary, R/o Vill.- Koath,
P.S.- Dawath, District- Rohtas ... Petitioner

Versus

The State of Bihar ... Opposite Part

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Appearance :

For the Petitioner : Mr. Santosh Kumar Singh, Adv.
For the Opposite Party : Smt Indu Kumari Srivastava, APP 23

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 23-05-2018 Heard learned counsel for the petitioner and learned APP for
the State.

Petitioner apprehends his arrest in connection with Dawath
P.S. Case No. 51 of 2017 instituted for the offences under Sections
30(a), 34, 35 and 38 of the Bihar Excise Act, 2016.

In the written report it is alleged that informant got
confidential information that one co-accused, Paras Nath Choudhary,
had godown in the house of this petitioner where illicit liquor are
kept for sale. It is alleged that the aforesaid illicit liquor are sold by
Paras Nath Choudhary along with Rakesh @ Monu Choudhary and
this petitioner.

Counsel for the petitioner submits that this petitioner is a
land lord. He has no concern with the illicit liquor and the aforesaid
godown belonged to Paras Nath Choudhary. He is indulging in such
type of business. The petitioner has clean antecedent aged about 73
years.



In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Dawath P.S. Case No. 51 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 the **Additional District & Sessions Judge II-cum-Special Judge, Excise, Rohtas at Sasaram**, subject to the conditions as laid down under Section 438(2) Criminal Procedure Code 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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)

Shamshad/-

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