

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2629 of 2019

Arising Out of PS. Case No.-281 Year-2018 Thana- BIBHUTIPUR District- Samastipur

Dilip Thakur son of Bihari Thakur, resident of Village -Singhiya Buzurg
South, Ward no.12, PS-Vibhutipur, Distt.-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 21-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The learned counsel for the petitioner is permitted to make
necessary correction in the present application.

In this case, the petitioner is seeking anticipatory bail in
connection with Vibhutipur Police Station Case No. 281 of 2018
registered for offence punishable under sections 271, 272/34 of the
Indian Penal Code and section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per FIR, 4.425 ML Indian made foreign liquor was
recovered from the back side of a Gumti and on that account, the FIR
has been lodged. It has been alleged that the petitioner had fled away
on coming of the police.

The learned counsel for the petitioner submits that the
petitioner has no concern with the said Gumti nor with the sale of the



liquor, but he was standing there i.e. near the Gumti and naturally when the police came there, he left the place as well as there is no criminal antecedent against him.

Looking to the facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he, in the event of arrest or surrender before the court below within six weeks from today, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of 3rd A.D.J.-cum-Special Judge, Excise Act, Samastipur in connection with Vibhutipur Police Station Case No.281 of 2018 , subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court. If the petitioner is found involved in similar type of allegation in future, the prosecution will have liberty to file an application for cancellation of his bail.

(Shivaji Pandey, J)

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