

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73916 of 2019

Arising Out of PS. Case No.-352 Year-2019 Thana- BASANTPUR District- Siwan

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KHUTI MIYAN @ MD. AFROZ, aged about 34 years, Male, Son of Lakhi Miya, Resident of Village- Madarpur, P.S.- Lakdi Naviganj, O.P., District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 25-11-2019

Heard learned counsel for the parties.

Petitioner apprehends his arrest in a case registered for the offence punishable under Sections 272, 273, 308, 34 of the Indian Penal Code and Sections 30(a)/37 (b)(c) of the Bihar Prohibition & Excise Act, 2016.

Informant is a Police Officer who in his written complaint has alleged that on 19.09.2019 while he along with other persons were on patrolling duty, he received a secret information that two miscreants Pappu Sah and Khuti Miyan are selling illicit liquor and upon getting said information, when he reached the place of occurrence, two miscreants started fleeing away on seeing the police, however, one of them was apprehended on chase but other managed to escape, who disclosed his name as Pappu Sah and person who fled away is



Khuti Miyan and from possession of the apprehended accused, Pappu Sah, 13 pieces containing 180 M.L. of illicit liquor was recovered.

It has been submitted on behalf of the petitioner that nothing has been recovered from his possession and he has also not been apprehended at the place of occurrence. He has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Basantpur (Lakdi Naviganj) P.S. Case No.352/2019** subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the 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.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

Sanjay/-

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