

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67709 of 2019

Arising Out of PS. Case No.-127 Year-2019 Thana- SIKTI District- Araria

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1. MD. AZAM, S/o Kinu @ Mohammad Kinnu Resident of Village - Kalu Chowk, Parariya, P.S. - Sikty, District - Araria.
 2. Rafique, S/o Manir Resident of Village - Ghora Chowk, Singhiya, P.S. - Sikty, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhijeet Gautam, Advocate
For the Opposite Party/s :	Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 16-01-2020 **Petitioner No. 2 Rafique** has already been arrested by the police, hence, his prayer for anticipatory bail is dismissed as infructuous.

Heard learned counsel for the petitioner no. 1 and learned Additional Public Prosecutor for the State.

The petitioner no. 1 is apprehending his arrest in a case registered for the offence punishable under Section 30(a) and 38 of the Indian Penal Code.

The petitioner no. 1 Md. Azam was not present at the time of recovery of liquor, rather the persons, who were apprehended along with liquor, disclosed that the petitioner no. 1 had also taken liquor from the same place. However, nothing was recovered from possession of the petitioner no. 1. There is



no material to substantiate that the petitioner no. 1 is going to tamper with the evidence or abscond the process of law.

Let the petitioner no. 1 Md. Azam, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Sikty Police Station Case No. 127 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner no. 1 shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner no. 1 and also the petitioner no. 1 shall not leave the country without permission of the court.

(Birendra Kumar, J)

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