

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78281 of 2019

Arising Out of PS. Case No.-178 Year-2019 Thana- CHENARI District- Rohtas

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1. Krishna Bind Son of Buchhi Bind Resident of Village - Telari, P.S.- Chenari, Dist.- Rohtas.
 2. Kumar Bind @ Ram Kumar Bind Son of Shobh Nath Bind Resident of Village - Telari, P.S.- Chenari, Dist.- Rohtas.
 3. Shree Bhagawan Bind Son of Awdhesh Bind Resident of Village - Telari, P.S.- Chenari, Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-02-2020 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition of petitioner nos. 2 and 3, as during pendency of this case petitioner nos. 2 and 3 have already been arrested.

Prayer is allowed. The anticipatory bail petition of petitioner nos. 2 and 3 is dismissed as withdrawn being infructuous.

Heard learned counsel for the petitioner Krishna Bind and learned A.P.P for the State.

The petitioner apprehends his arrest in **Chenari P.S. Case No. 178 of 2019**, registered for the offence punishable



under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

5 litres of Mahua wine is said to have been recovered from the bank of river Durgawati.

It is submitted that petitioner has falsely been implicated in this case. Nothing has been recovered from conscious possession of this petitioner. The provision of section 100 Cr.P.C has not been followed. Petitioner has got clean antecedent.

Considering the facts aforesaid, the petitioner Krishna Bind in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Additional District and Sessions Judge II-cum-Special Judge, Rohtas at Sasaram** in connection with **Chenari P.S. Case No. 178 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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