

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47207 of 2015

Arising Out of PS.Case No. -295 Year- 2015 Thana -BIHTA District- PATNA

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1. Monu Kumar, so of Late Raj Kumar Rai, resident of Village- Katesar,
Police Station- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA
ORAL ORDER

2 10-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner prays for anticipatory bail in a case registered under Sections 272, 273 and 290 of the Indian Penal Code and Section 47 (A) of the Excise Act.

It is admitted that the petitioner is involved in one more case under Section 47(A) of the Excise Act, namely, Bihta P.S. Case No.713 of 2013.

It is submitted by learned counsel for the petitioner that the recovery is only of 25 bottles of kingfisher Beer and 6 bottles Macdowel whisky which is a small quantity. Moreover, it is submitted that no recovery has been made from the conscious possession of the petitioner nor was the petitioner present at the shop where the alleged recovery has been made and no signature

of any person in-charge of the shop has been taken on the seizure list. It is also submitted that there is no allegation that the liquor in question was fake.

This court normally does not allow the anticipatory bail to such repeat offender but considering the fact that the petitioner is a young lad of 22 year, it is directed that the petitioner, Monu Kumar, in the event of his arrest/surrender in the Court below within a period of four weeks from today, shall be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Danapur in connection with Bihta P.S. Case No.295 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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