

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41113 of 2016

Arising Out of PS.Case No. -127 Year- 2016 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Anjay Kumar Singh Son of Kripa Shankar Singh, Resident of Village-
Mokari, P.S.- Bhabua, District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Sunil

For the Opposite Party/s : Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 30-09-2016 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Kudra
P.S. Case No. 127 of 2016, disclosing offences under Section
120B of the Indian Penal Code and Sections 47,54,57,63 of the
Bihar Excise (Amendment) Act, 2016.

Learned counsel for the petitioner has submitted that the
prosecution in question is based on amendments made in Bihar
Excise Act by Bihar Excise (Amendment) Act, 2016, which has
been held to be *ultra vires* by this Court by a judgment and order,
dated 30.09.2016 passed in ***CWJC No. 5795 of 2016 (M/s Smart
Laboratories Vs. State of Bihar and ors).***

Considering the above, this application is allowed. Let the
petitioner above-named in the event of his arrest/surrender within

four weeks from today in the Court below be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Sri Madhukar Singh, learned Judicial Magistrate- Ist Class, Kaimur (Bhabua) in Kudra P.S. Case No. 127 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

ArunKumar/-c

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