

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17280 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -WARSALIGANJ District- NAWADA

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1. Brahamdeo Paswan S/o Late Parmeshwar Paswan, resident of Village-
Rasanpur, PS. Warsaliganj, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh

For the Opposite Party/s : Mr. B.Ram (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 03-05-2016

Heard the Counsel for the petitioner and the APP for
the State.

Petitioner is facing accusations punishable under
Section 47(A) of the Excise Act.

The allegation is that he was engaged in sale of
country made liquor. From the place of the petitioner, 15 litres of
country made liquor was recovered. He was, however, not
apprehended at the shop/place.

Contention of the petitioner is that he has no criminal
antecedent. Referring to proviso to Section 47 of the Excise Act, it
is stated that in case of first offender, the punishment provided is
less.

Considering the fact that the petitioner is the first
offender, I am persuaded to extend the privilege of anticipatory

bail to the petitioner.

In the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Nawada in Warisaliganj P.S. Case No. 10 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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