

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8038 of 2016

Arising Out of PS.Case No. -222 Year- 2015 Thana -AURANGABAD TOWN District-
AURANGABAD

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Mithilesh Singh son of Hira Singh, at present Ramesh Chowk, Wine Shop
No. 07, P.S.- Town, District- Aurangabad, resident of village- Kamdarpur,
P.s.- Mali, District- Aurangabad (Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Kumar Singh

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 03-08-2016

Heard learned counsels for the petitioner

and the State.

The petitioner has renewed his prayer for
anticipatory bail in a case registered for the offences punishable
under Sections 272, 273, 290 of the Indian Penal Code and 47(a)
of the Excise Act.

From the outer side of the liquor shop of
the petitioner 18 bottles of beer of different brands were seized.

The earlier anticipatory bail application of
the petitioner was disposed of with observation that the
accusation constitutes ground for consideration of prayer for
regular bail.



It is submitted by learned counsel for the petitioner that at the relevant time the petitioner had retail licence of potable foreign liquor and beer valid from 1st April, 2015 to 31st March, 2016, though, the recovery was made on 03.06.2015. In the earlier bail application the purchase invoice was not brought on record but the same has now been brought on record as Annexure-4. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. The prayer for anticipatory bail has been renewed on the ground that this Court granted anticipatory bail to a similarly situated co-accused Nilesh Kumar vide Cr. Misc. No. 310 of 2016 on the ground that he was also licensee at the relevant time and he brought on record the purchase invoice. The said order has been brought on record as Annexure-3.

Mr. Uma Shankar Pd. Singh, learned counsel for the State does not dispute the contention of the counsel for the petitioner.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount

each to the satisfaction of learned Chief Judicial Magistrate,
Aurangabad in connection with Aurangabad (Town) P.S. Case
No. 222 of 2015, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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