

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.25821 of 2017**

Arising Out of PS.Case No. -7 Year- 2015 Thana -GOVERNMENT OFFICIAL COMP. District-SAMASTIPUR

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Gajendra Mahto S/o Late Hardeo Mahto Resident of Village-Krishnapur  
Gupta P.O.-Dhighra, PS Pusa, District-Samastipur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. Md. Fahimuddin

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

**ORAL ORDER**

06/ 20-06-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has renewed the prayer for anticipatory bail in a case registered for the offence punishable under Section 47A of the Excise Act.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 47A of the Excise Act preferred anticipatory bail vide Cr. Misc. No. 55366 of 2015 since 700 litres of country made liquor and foreign liquor were recovered from a poultry farm.

It is submitted by learned counsel for the petitioner that the petitioner disowned the place of seizure and a certificate to that effect has been issued by the Panchayat Mukhiya. A statement has been made in paragraph 3 of the



petition that the petitioner is not having any criminal antecedent. Moreover, co-accused Raj Mahto has been granted regular bail vide Cr. Misc. No. 43047 of 2015.

The aforesaid facts constitute ground for consideration of the prayer for regular bail of the petitioner by the learned Court below and with such observation Cr. Misc. No. 55366 of 2015 was disposed of vide order dated 07.12.2015, but now the prayer has been renewed on the ground that the Act of 2015 has been repealed and new Act has been come into existence.

Considering the aforesaid facts, this Court is not inclined to revise the earlier order. However, learned Court below is at liberty to consider the prayer for regular bail of the petitioner, preferably on same day, if he surrenders within a period of four weeks, keeping in view the fact that co-accused has been granted regular bail, in connection with Excise Case No. 07 of 2015, pending in the Court of learned Chief Judicial Magistrate, Samastipur.

Accordingly, this application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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