

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9864 of 2018

Arising Out of PS.Case No. -303 Year- 2017 Thana -DAUDNAGAR District- AURANGABAD

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Raj Kumar Choudhary S/o Basudeo Choudhary, R/o Vill.- Manar, P.S.-
Daudnagar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-02-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Daudnagar P.S. Case No. 303 of 2017 registered
for the offence punishable under Section 30(c) (d) of the Bihar
Prohibition & Excise Act, 2016.

The allegation is regarding recovery of 15 liters of illicit
Mahua liquor from the house of the petitioner which is said to be
in joint possession of the family members.

The learned counsel for the petitioner submits that neither any
recovery has been made from the conscious possession of the
petitioner nor the provisions of Section 100 Cr.P.C. has been
complied with while seizing the articles. It is further submitted that



the co-accused has already been granted bail. The petitioner is said to be having a clean antecedent.

Considering the nature of accusation and the fact that prima facie no case is made out under the provisions of the Excise Act, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad in connection with Daudnagar P.S. Case No. 303 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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