

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10708 of 2018

Arising Out of PS.Case No. -231 Year- 2017 Thana -MASRAKH District- SARAN

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Dinanath Choudhary S/o Vishwanath Choudhary, R/o village- Sobhipur,
P.S.- Janta Bazar, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar Tiwary

For the Opposite Party/s : Mr. Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2018 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 Masarakh P.S. Case No.231 of 2017

registered for the offence punishable under Sections 272, 273 of

the Indian Penal Code and Sections 30, 30(a) and 41 of the Bihar

Excise Act, 2016.

The allegation is regarding recovery of 386.005

litres of illicit liquor from an open field and upon the co-accused

being apprehended, he has disclosed the name of 21 persons

stated to be his accomplice and the petitioner is said to be one of

them.

The learned counsel for the petitioner submits that



neither any recovery has been effected from possession of the petitioner nor the said field belongs to the petitioner.

Considering the nature of accusation and the fact that, prima facie, no case is made out for the offences punishable under the Excise Act, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, in the even 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 Additional Sessions Judge-VI, Saran in connection with Masarakh P.S. Case No.231 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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