

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12496 of 2018

Arising Out of PS.Case No. -6 Year- 2018 Thana -MAGADH UNIVERSITY District- GAYA

- =====
1. Sudhir Kumar @ Sudhir Kumar Sharma, Son of Kapildev Mistri @ Kapil Sharma.
2. Subhash Kumar, Son of Aditya Sao, Both resident of village- Kasapi, P.S. Dobhi, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nikhilesh Kumar

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Magadh University PS case no. 6 of 2018 registered for the offences punishable under Sections 414/34 of Indian Penal Code and 30(a)(d), 32(2) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 6 quintals of mahua flower from a Marshal vehicle.

The learned counsel for the petitioners submits that neither any recovery has been made from the conscious possession of the petitioners nor the said Marshal vehicle belongs to the petitioners herein. It is further submitted that barring one case in which the petitioners herein are accused, they have a fair antecedents.



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 appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their 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, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Special Excise Judge, Gaya in connection with Magadh University PS case no. 6 of 2018 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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