

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12382 of 2018

Arising Out of PS.Case No. -204 Year- 2017 Thana -PANDAU District- MADHUBANI

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Lal Sah, Son of Shivji Sahu, Resident of Village- Belahi, Ward No. 13,
Lohas (Chini Mill), P.S.- Pandaul, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018 Heard the learned counsel for the petitioner and the

learned counsel for the State.

The petitioner seeks anticipatory bail in connection
with Pandaul PS case no. 204 of 2017 registered for the offences
punishable under Sections 272, 272/34 of the Indian Penal Code
and Sections 30(a), 36, 38(2) and 41(1) of the Bihar Prohibition
and Excise Act.

The allegation is regarding recovery of 212.760 liters of
illicit liquor from the house of the co-accused person.

The learned counsel for the petitioner submits that
neither any recovery has been effected from the conscious
possession of the petitioner nor the house from where the illicit
liquor has been recovered belongs to the petitioner. It is further
submitted that though the petitioner is an accused in two other



cases of similar nature, but he is on bail in the said two cases.

Considering the nature of accusation levelled against the petitioner herein as also 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.

Accordingly, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum- Special Judge, Excise Act, Madhubani in connection with Pandaul PS case no. 204 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

It is further directed that in case the petitioner is implicated in similar type of cases henceforth, the present privilege of anticipatory bail shall stand cancelled automatically and he shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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