

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3858 of 2018

Arising Out of PS.Case No. -288 Year- 2017 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Raju Kumar @ Raju Son of Late Satyanarayan Sah, Resident of Village-
Bhagarua P.S.-Madhuban, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Dilip Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2018 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 Madhuban P.S. Case No. 288 of 2017 registered for the offence punishable under Sections 30A, 37, 37B and 38 of the Bihar Prohibition and Excise Act, 2016.

The case of the prosecution is that the police received secret informant that one Anil Choudhary was selling English wine at his toddy shop, whereafter, the police had raided the said shop and had caught one person in an intoxicated state, namely, Sanjay Kumar Gupta as well as recovered 2.625 liters of illicit liquor. In fact, on the disclosure made by the said Sanjay Kumar Gupta, the name of the petitioner herein has transpired in the present case.



The learned counsel for the petitioner submits that neither any recovery has been made from the conscious possession of the petitioner nor he has been apprehended from the spot. It is further submitted that the co-accused person has been granted anticipatory bail by this Court by an order dated 10.01.2018 passed in Criminal Miscellaneous No. 1566 of 2018. The petitioner is said to be having a clean antecedent.

Having regard to the facts and circumstances of the case 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 enlarge the petitioner above named, 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 anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Motihari, East Champaran in connection with Madhuban P.S. Case No. 288 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

ajay gupta/-

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