

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11489 of 2018

Arising Out of PS.Case No. -131 Year- 2017 Thana -SHIWAPATHI District- MUZAFFARPUR

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Ram Pravesh Rai @ Ray, Son of Mahender Rai, Resident of Village-
Harheyen, Police Station-Swai Patti, District-Muzaffarpur,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan

For the Opposite Party/s : Mr. S.M. Rahman

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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 Siwaipatti P.S. Case No.131 of 2017

registered for the offence punishable under Sections 272, 273 of

the Indian Penal Code and Sections 30(a), 38, 41 and 43 of the

Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 26.28 litres

of illicit liquor from an Auto Rickshaw said to be belonging to

the petitioner herein.

The learned counsel for the petitioner submits that

no recovery has been made from the conscious possession of the

petitioner. It is further submitted that though the Auto Rickshaw



belongs to the petitioner but he had given on hire to the co-accused person, namely, Akhilesh Rai, who has already been granted bail by this Court. It is further submitted that the petitioner is having clean antecedent.

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 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 3rd Additional Sessions Judge-cum-Special Judge, Excise, Muzaffarpur in connection with Siwaipatti P.S. Case No.131 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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