

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3857 of 2018

Arising Out of PS.Case No. -170 Year- 2017 Thana -GARDANIBAGH District- PATNA

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1. Manish Ray @ Manish Kumar, Son of Ram Babu Ray, resident of Village/Mohallah West Saristabad,- Kaushalya Kunj, Road, No. 6D, Sadhnapuri, Gardanibagh, P.O.- G.P.O. P.S.- Gardanibagh, District- Patna (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh

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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 Gardanibagh P.S. Case No. 170 of 2017 (Special Case No. 1317 of 2017) registered for the offence punishable under Sections 37(a)(d), 38(a)(b), 41(a)(b) of the Bihar Prohibition & Excise Act, 2016.

The allegation is regarding the police receiving secret information to the effect that some people were drinking wine in the hut of the petitioner herein. Thereafter, the police is said to have raided the hut and recovered one liter of illicit country made liquor, however, the persons, who were present there, managed to



flee away.

The learned counsel for the petitioner submits that neither the hut belongs to the petitioner nor any recovery has been made from his conscious possession. It is further submitted that the petitioner is having a clean antecedent.

Having regard to the facts and circumstances of the case, more particularly the fact that prima facie no offence is made out under the provisions of the Excise Act, I deem it fit and proper to enlarge the petitioner 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 Act, Patna in connection with Gardanibagh P.S. Case No. 170 of 2017 (Special Case No. 1317 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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