

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3982 of 2018

Arising out of PS.Case No. -344 Year- 2017 Thana -AJAMNAGAR District- KATIHAR

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1. Raju Sharma son of Sahdeo Sharma resident of village - Lodhiya, P.S. Ajam Nagar, District - Katihar.
 2. Prem Chandra Sharma son of Fogan Sharma @ Fodon Sharma resident of village - Sahjana Maheshpur, P.S. Ajam Nagar, District - Katihar.

.... Petitioner/s

Versus

1. 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. Ashok Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2018 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 Ajam Nagar P.S. Case No. 344 of 2017 registered for the offence punishable under Sections 279, 337 and 338 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

It is alleged that an accident had taken place in between an auto rickshaw and the motorcycle on which the petitioners herein were riding. The petitioners are said to have been taken to the hospital and in the meantime when the Police arrived at the place of occurrence, certain quantity of liquor was recovered.

The learned counsel for the petitioners submits that as



far as the petitioners are concerned, they were riding the motorcycle and in fact no recovery has been made from the conscious possession of the petitioners and if any liquor has been found it might be belonging to the auto rickshaw owner. The petitioners are said to be having a clean antecedent. It is further submitted that no case appears to have been made out under the provisions of the Excise Act.

Having regard to the facts and circumstances of the case, more particularly 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 petitioners herein to the privilege of anticipatory bail, 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, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J-II-cum-Special Judge (Excise), Katihar in connection with Ajam Nagar P.S. Case No. 344 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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