

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10667 of 2018

Arising Out of PS.Case No. -433 Year- 2017 Thana -BAKHTIARPUR District- SAHARSA

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Nago Chaudhary @ Nago Choudhary S/o Late Janki Choudhary, R/o
Village- Sitanabad Chauk Bazar Ward No.9, P.S.- Bakhtiyarpur, District-
Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Abhay Kumar - 1

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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 Bakhtiyarpur P.S. Case No.433 of 2017
(Special Case No.591 of 2017) registered for the offence
punishable under Section 30(a)(c)(d) of the Bihar Prohibition and
Excise Act, 2016.

The allegation is regarding recovery of 2 litres of
illicit country made liquor from the house of the petitioner.

The learned counsel for the petitioner submits that
no recovery has been effected from possession of the petitioner
and moreover, the provisions of Section 100 Cr.P.C. has not been
complied, hence the entire seizure list is itself doubtful. 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 even 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 Additional Sessions Judge-II-cum-Special Judge, Saharsa in connection with Bakhtiyarpur P.S. Case No.433 of 2017 (Special Case No.591 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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