

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4031 of 2018

Arising Out of PS.Case No. -85 Year- 2017 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

=====

Rahul Kumar @ Koysa S/o Late Dinanath Prasad, R/o Village- Gandhi
Chauk, P.S.- Madhuban, District- East Champran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Md. Fahimuddin

=====

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. 85 of 2017 registered for the offence punishable under Sections 272, 273 and 188 of the Indian Penal Code and Sections 33A, 38A, 38B and 38C of the Bihar Prohibition & Excise Act.

The allegation is regarding recovery of 147 liters of illicit liquor from Madhopur Panchayat Bhawan and while some persons were fleeing away, it was disclosed by the co-villager that one of the accused fleeing away is the petitioner herein.

The learned counsel for the petitioner submits that neither the Panchayat Bhawan belongs to the petitioner nor any



recovery has been made from the conscious possession of the petitioner and the entire allegation as levelled against the petitioner, is fabricated and concocted. It is submitted that the petitioner is 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 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 learned Special Judge, Excise, Motihari, East Champaran in connection with Madhuban P.S. Case No. 85 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

