

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3999 of 2018

Arising Out of PS.Case No. -274 Year- 2017 Thana -SIRDALA District- NAWADA

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Biru Rajvanshi S/o Bharat Rajvanshi, R/o Village- Rabio, P.S.- Sirdala,
District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Krishna Deo Raj

For the Opposite Party/s : Smt. Sharda Kumari

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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 Sirdala P.S. Case No. 274 of 2017 registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act.

The allegation is regarding recovery of 40 liters of illicit Mahua liquor from the bushes near Baijnathpur Ahar and the petitioner has been made an accused on the basis of secret information received by the Police.

The learned counsel for the petitioner submits that neither any recovery has been made from the conscious possession of the petitioner nor the said place from where the recovery has been made belongs to the petitioner, hence the allegation



whatsoever levelled against the petitioner are false and concocted. 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 A.D.J.-II-cum-Special Court, Nawada in connection with Sirdala P.S. Case No. 274 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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