

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4647 of 2018

Arising Out of PS.Case No. -1480 Year- 2017 Thana -SA SARAM NAGAR District- SASARAM
(ROHTAS)

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1. Shankar Sah S/o Late Jamindar Sah, R/o Mohalla- Fazalganj, P.S.-
Sasaram (m), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

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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 APP for the State.

This is an application for grant of anticipatory bail
in connection with Sasaram (Model) PS case no. 1480 of 2017
instituted for the offences punishable under Sections 30(a), 38, 41,
37(b) of the Bihar Excise and Prohibition Act, 2016.

The allegation is regarding the police having raided
a place situated near the office of the irrigation department and
having apprehended two persons out of whom, one was drunken
and the other disclosed the name of the petitioner and others as the
persons who used to engage him in bringing the illicit liquor.

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



made belongs to the petitioner. It is further submitted that the petitioner has been arrayed in the present case on false and fabricated allegations, merely on suspicion at the behest of the co-accused persons who were apprehended from the spot.

Having regard to the facts and circumstances of the case, more particularly, the fact that *prima facie*, no offence under the provisions of the Excise Act are made out as also the fact that the petitioner has a clean antecedent, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, 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, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of IInd Addl. District & Sessions Judge-cum-Special Judge, Excise Rohtas at Sasaram in connection with Sasaram (Model) PS case no. 1480 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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