

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4434 of 2018

Arising out of PS.Case No. -334 Year- 2017 Thana -GAYA MUFFSIL District- GAYA

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1. Shrawan Chaudhary, S/o Anandi Chaudhary,
 2. Santosh Paswan S/o Laxmi Paswan, Both R/o Village- Bhadeja , P.S.-
Moffasil, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ramashish

For the Opposite Party/s : Mr. Ramchandra Singh

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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 Moffasil P.S. Case No. 334 of 2017 registered for the offence punishable under Sections 341, 323, 354, 354(b), 354(a) and 354(d) and 34 of the Indian Penal Code and Sections 30(a) (d), 32 (1) (2) (3) and 37(a) (c) (d) of the Bihar Prohibition & Excise Act, 2016.

The allegation is regarding recovery of 3 empty bottles of liquor from the house of one Vijay Yadav and thereafter the name of the petitioners herein transpired as they are said to have visited the said house of Vijay Yadav.

The learned counsel for the petitioners submits that neither any recovery has been made from the conscious possession



of the petitioners nor the said house from where the empty bottles have been recovered, belongs to the petitioners. It is further submitted that in any case no liquor has been recovered, hence the offence as alleged is not made. It is 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 Special Judge (Excise), Gaya in connection with Moffasil P.S. Case No. 334 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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