

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12056 of 2018

Arising Out of PS.Case No. -269 Year- 2017 Thana -HUSAINGANJ District- SIWAN

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1. Osihar Yadav S/o Sampat Yadav, R/o Village- Sultanpur Dahabari, P.S.-
Ander, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Sri Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018 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 Hussainganj PS case no. 269 of 2017 registered for the offences punishable under Sections 272, 273, 308 of Indian Penal Code and 41(1), 30, 36 and 38 of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 86.4 ltrs. of illicit liquor from a Bolero jeep which had met with an accident.

The learned counsel for the petitioner submits that neither any recovery has been effected from the conscious possession of the petitioner nor the said jeep belongs to the petitioner.

Considering the nature of accusation and the fact that prima facie, no case is made out under the provisions of the Excise Act, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed 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. 1,00,000/- (Rs. One lac) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge-IIInd-cum-Special Judge (Excise), Siwan in connection with Hussainganj PS case no. 269 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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