

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11356 of 2018

Arising Out of PS. Case No.-121 Year-2017 Thana- BHAPATIYAH I District- Supaul

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Arun Mukhiya, Son of Shri Sukdeo Mukhiya, Resident of Village-Gadhia,
Police Station-Bhaptiyahi, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : SMT. ANUSUIYA JAISWAL

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 27-02-2018 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 S.T. Excise Case No. 1005 of 2017 arising out of Bhaptiyahi P.S. Case No. 121 of 2017 registered for the offence punishable under Section 30(A) of the Bihar Excise (Amendment) Act, 2016.

The allegation is regarding recovery of 2.4 litres of illicit liquor from the co-accused person who was apprehended and had disclosed the names of the persons to whom he was selling the said liquor. The petitioner has been falsely implicated in the present case on the basis of disclosure of his name by the co-accused person.

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



the petitioner nor the petitioner has anything to do with the said co-accused person. It is further submitted that barring on case in which the petitioner is on bail, he is having a fair antecedent.

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 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 Judge (Excise), Supaul in connection with S.T. Excise Case No. 1005/17 arising out of Bhaptiyahi P.S. Case No. 121 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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