IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11390 of 2018

Arising Out of PS. Case No.-401 Year-2017 Thana- JOKIHAT District- Araria

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Amit Jha @ Amit Kumar Jha Son of Amod Jha, Resident of Village-Simaria, Police Station-Jokihat, District-Araria.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Mukesh Kumar Rana
For the Opposite Party/s : Mr. SRI RAM PRIYA SARAN SINGH

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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 Jokihat P.S. Case No. 401 of 2017 corresponding to Special Case No. 401 of 2017 registered for the offence punishable under Section 273 of the Indian Penal Code and Sections 30(a), 38(i) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of about 205 litres of ESKUF cough syrup from a place situated at the back side of the house of the petitioner herein.

The learned counsel for the petitioner submits that first of all the said bottles said to have been recovered are the bottles of cough syrup and in fact have not been recovered either from the

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house of the petitioner or from his possession. The petitioner is said to be having a clean 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 her 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 2nd Additional Sessions Judge, Araria in connection with Jokihat P.S. Case No. 401 of 2017 corresponding to Special Case No. 3359 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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