

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12388 of 2018

Arising Out of PS.Case No. -122 Year- 2017 Thana -SHEIKHOPUR SARAI District- SEKHPURA

- =====
1. FUDAN @ FUDAN KUMAR @ BIKRAM KUMAR FUDAN @ BIKRAM KUMAR, S/o Mantun Singh,
 2. Manish Kumar, S/o Late Chandramauli Singh, Both R/o Onma, P.S.- Sheikhpur Sarai, Dist- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Rajkishore Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018 Heard the learned counsel for the petitioners and the learned counsel for the State.

The petitioners seek anticipatory bail in connection with Sheikhpur Sarai PS case no. 122 of 2017 registered for the offences punishable under Sections 272, 273, 353 of the Indian Penal Code and Sections 30(a), 38(i) and 62 of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 300 liters of illicit liquor from the house of the grand maternal uncle of petitioner no.2.

The learned counsel for the petitioner submits that neither any recovery has been effected from the conscious



possession of the petitioners nor the house from where the illicit liquor has been recovered belongs to the petitioners. It is further submitted that petitioner no.1 is having a clean antecedent and as far as petitioner no.2 is concerned, barring one case in which he is on bail, he has a clean antecedent.

Considering the nature of accusation levelled against the petitioners herein as also 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.

Accordingly, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioners above named are directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge, Sheikhpura in connection with Sheihopur Sarai PS case no. 122 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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