

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11963 of 2018

Arising Out of PS.Case No. -301 Year- 2017 Thana -MALSALAMI District- PATNA

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1. Ashok Kumar, Son of Jagdish Chandra Rai, Resident of Village-
Baharampur, Police Station- Raghapur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyamal Prakash

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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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 Malsalami PS case no. 301 of 2017 registered for the
offences punishable under Sections 30(a), 37(c), 38, 41 of Bihar
Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 1.5 ltrs. of illicit
liquor from the scorpio vehicle.

The learned counsel for the petitioner submits that no
recovery has been made from the conscious possession of the
petitioner. It is further submitted that the said car belongs to the
petitioner but the same was being driven by his driver at the relevant
time, hence he cannot be saddled with the liability of misdeeds of the
driver. It is further submitted that the petitioner has 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 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. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge N.I.A.-cum-A.D.J.-IV-cum-Special Judge Excise, Patna in connection with Malsalami PS case no. 301 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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