

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25296 of 2018

Arising Out of PS.Case No. -67 Year- 2018 Thana -AURANGABAD TOWN District-
AURANGABAD

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1. Pramod Choudhary @ Parpara Son of Chhotan Choudhary
2. Raushan Kumar Son of Vineshwar Ram Both Resident of Village-Mahua
Shahid, P.S. Town, District-Aurangabad, (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2018 Heard the learned counsel for the petitioners and the
learned APP for the State.

The petitioners seek anticipatory bail in connection
with Town P.S. Case No. 67 of 2018 for the offences punishable
under Section 30(a) and 38(1) of Bihar Prohibition and Excise
Act, 2016.

Allegation is regarding recovery of 375 ML of illicit
liquor from the bag which is said to have been thrown by the
petitioners and the petitioners are said to have fled away.

The learned counsel for the petitioners submits that
no recovery has been made from conscious possession of the
petitioners. It is further submitted that the provisions of Section



100 of the Code of Criminal Procedure has not been complied with, hence the seizure itself is doubtful. It is stated that the petitioners have no criminal 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 petitioners to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, the petitioners, above named, are directed to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VII -cum- Special Judge (Excise), Aurangabad in connection with Town P.S. Case No.67 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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