

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11855 of 2018

Arising Out of PS.Case No. -352 Year- 2017 Thana -AMARPUR District- BANKA

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Fudo Bhagat @ Pintu Bhagat, Son of Late Kishori Bhagat, Resident of
Amarpur, Police Station- Amarpur, District- Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Bharat Lal

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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 counsel for the State.

The petitioner seeks anticipatory bail in connection
with Amarpur PS case no. 352 of 2017 registered for the offences
punishable under Sections 30(a) and 32(2) of the Bihar Prohibition
and Excise Act.

The allegation is regarding recovery of 8.250 liters of
illicit liquor from an auto rickshaw.

The learned counsel for the petitioner submits that
neither any recovery has been made from the conscious possession
of the petitioner nor the petitioner is the owner of the said auto
rickshaw. It is further submitted that barring one old case, in
which the petitioner is on bail, the petitioner is having a fair



antecedent.

Considering the nature of accusation levelled against the petitioner 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 petitioner 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 petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II, Banka -cum- Special Judge, Excise Act, Banka in connection with Amarpur PS case no. 352 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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