

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11755 of 2018

Arising Out of PS.Case No. -216 Year- 2017 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

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Kapil Chaudhary son of late Sewak Chaudhary, resident of village Bhukhan
Bigha, P.S. Magadh Medical, District Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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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 Magadh Medical PS case no. 216 of 2017 registered for the
offences punishable under Sections 30(a) (d), 38, 44 and 45 of the
Bihar Prohibition and Excise Act.

The allegation as far as the petitioner herein is
concerned, is recovery of 4 liters of illicit liquor from the house of
the petitioner. In fact, various quantities of illicit liquor is said to
have been recovered from various houses. It is further alleged that
40 Kg Madhua was also recovered from outside of the house of
the petitioner.

The learned counsel for the petitioner submits that the
said 4 liters of illicit liquor is said to have been recovered from the



house which is in joint possession of the petitioner and his family members. It is further submitted that similarly situated co-accused person Sunil Choudhary has been granted anticipatory bail by this Court vide order dated 9.1.2018 in Cr. Misc. No. 63321 of 2017 and 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 Special Judge, Excise Act, Gaya in connection with Magadh Medical PS case no. 216 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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