

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11787 of 2018

Arising Out of PS.Case No. -270 Year- 2017 Thana -BIBHUTIPUR District- SAMASTIPUR

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1. Bhola Mahto Son of late Jageshwar Mahto Resident of Village - Belsandi
tara, Vibhutipur, Police Station- Bibhutipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

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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 Vibhutipur PS case no. 270 of 2017 registered for the
offences punishable under Sections 30(a), 38, 47 of Bihar Prohibition
and Excise Act, 2016.

The allegation is regarding recovery of 47.640 ltrs. of
illicit liquor from the possession of the co-accused person namely Anuj
Kumar and upon his interrogation, the name of the petitioner has
transpired.

The learned counsel for the petitioner submits that in the
present case, neither any recovery has been made from the conscious
possession of the petitioner nor the petitioner has got anything to do
with the said Anuj Kumar. 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 6th Additional District & Sessions Judge, Samastipur in connection with Vibhutipur PS case no. 270 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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