

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9635 of 2018

Arising Out of PS.Case No. -96 Year- 17 Thana -HATHAURI District- SAMASTIPUR

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Gautam Kumar Chaudhary S/o Late Ram Narayan Chaudary, R/o Village-
Dhobupur Bansara, P.S.- Hathuri, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 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 Hathauri P.S. Case No. 96 of 2017 registered for the offence punishable under Sections 272, 273, 467, 468 and 471 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

The allegation is regarding recovery of 177.49 liters of illicit liquor from a Scorpio vehicle belonging to the petitioner and upon interrogation the driver of the said vehicle had disclosed the name of the petitioner.

The learned counsel for the petitioner submits that neither any recovery has been made from the conscious possession of the



petitioner nor the provisions of Section 100 Cr.P.C. has been complied with while seizing the articles. The petitioner is said to be having 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 proper to admit the petitioner herein to the privilege of anticipatory bail, 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 on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-6th-cum-Special Judge, Excise Act, Samastipur in connection with Hathauri P.S. Case No. 96 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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