

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11768 of 2018

Arising Out of PS.Case No. -123 Year- 2017 Thana -KOPA District- SARAN

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Uttam Choudhary @ Uttam Kumar Choudhary Son of Umashankar Choudhari a resident of Village- Tarawa Pothiya, P.S. Kopa, District- Saran, Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

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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 Kopa PS case no. 123 of 2017 registered for the offences punishable under Sections 272, 273, 308 of the Indian Penal Code and Section 30(a)/38(1) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 50 liters of illicit liquor and 10 Kg of Mahua flowers as well as 120 liters of Mahua pass from the house of a co-accused.

The learned counsel for the petitioner submits that neither any recovery has been made from the conscious possession of the petitioner nor the alleged place from where the recovery has been made belongs to the petitioner 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 A.D.J. 6th, Chapra in connection with Kopa PS case no. 123 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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