

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4100 of 2018

Arising Out of PS.Case No. -62 Year- 2017 Thana -HATHIDAH District- PATNA

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Mantu Paswan aged 40 Years, S/o Late Lutan Paswan, R/o Mohalla- Aunta Chamar Toli, Ward No. 10, P.S.- Hathidah, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Smt. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2018 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 Special Case No. 6249 of 2017 arising out of Hathidah P.S. Case No. 62 of 2017 registered for the offence punishable under Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 450 liters of illicit liquor from the house of one Ram Bilash Mahto and upon him being apprehended the name of the petitioner has transpired in the present case.

The learned counsel for the petitioner submits that neither the said house belongs to the petitioner nor any recovery has been made from the conscious possession of the petitioner,



hence the entire allegation is false and concocted. It is further submitted that the co-accused person has already been enlarged on anticipatory bail. It is further submitted that no case appears to have been made out under the provisions of the Excise Act.

Having regard to the facts and circumstances of the case, more particularly 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 District and Sessions Judge-VIII-cum-Special Judge, Excise, Patna in connection with Special Case No. 6249 of 2017 arising out of Hathidah P.S. Case No. 62 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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