

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11624 of 2018

Arising Out of PS.Case No. -58 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
SAMASTIPUR

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Sudhir Kumar, Son of Ramjatan Ray, Resident of Village- Musepur, P.S.
Kalyanpur, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Arun Kumar Singh -5

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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 Excise Case No. 58 of 2017 registered for the offences
punishable under Sections 30(a) and 38(i) of the Bihar Prohibition
and Excise Act.

The allegation is regarding recovery of 1 and ½ liters of
illicit liquor from the motorcycle of the petitioner.

The learned counsel for the petitioner submits that
though, the motorcycle belongs to the petitioner, but the
motorcycle had been taken by another person for the purposes of
urgent work and during the course thereof, the police had apprehended
and recovered the illicit liquor, however, no recovery has been



made from the conscious possession of the petitioner. The petitioner is having a clean 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 Additional Sessions Judge-VI, Samastipur in connection with Excise Case No. 58 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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