

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10527 of 2018

Arising Out of PS.Case No. -346 Year- 2017 Thana -BATHNAHA District- SITAMARHI

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1. Gauri Kumar Son of Sri Bhola Mahto @ Deo Narain Mahto Resident of
Village- Punaura, P.S. & District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Nityanand

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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 A.P.P. for the State.

This is an application for grant of anticipatory bail

in connection with Bathnaha P.S. Case No.346 of 2017 registered

for the offence punishable under Sections 272, 273/34 of the

Indian Penal Code and Section 30(A) of the Bihar Prohibition

and Excise Act, 2016.

The allegation is regarding recovery of 931.299

litres of Nepali Saufi wine from a Sumo Gold.

The learned counsel for the petitioner submits that

the co-accused Jitu Kumar, who was arrested from the spot, has

disclosed the name of the petitioner and one another, namely,

Rajnish Patel. It is submitted that neither any recovery has been



effected from the person of the petitioner herein nor the said vehicle belongs to the petitioner. It is further submitted that the similarly situated co-accused person, namely, Rajnish Patel has been granted anticipatory bail by an order dated 20.02.2018 passed in Cr. Misc. No.10065 of 2018. It is further submitted that the petitioner is having clean antecedent.

Considering the nature of accusation and the fact that, prima facie, no case is made out for the offences punishable under 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 2nd A.D.J., Sitamarhi in connection with Bathnaha P.S. Case No.346 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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