

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3963 of 2018

Arising Out of PS.Case No. -124 Year- 2017 Thana -DIGHWARA District- SARAN

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1. Arun Kumar, S/o Nanda Rai resident of Village- Harna, P.S. Dariyapur,
District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anurag Saurav

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-01-2018 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 Dighwara P.S. Case No. 124 of 2017 registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Sections 30/38 of the Bihar Excise (Amendment) Act, 2016.

The allegation is regarding recovery of 54 liters of English wine from a Bolero car and the driver and one co-accused person were successful in fleeing away. It is further alleged that upon going through the documents kept in the said Bolero car, it transpired that the petitioner herein is the owner of the said car.

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



of the petitioner herein nor the petitioner has been found to be driving the said car. It is further submitted that on the date of the said alleged seizure of illicit liquor, the petitioner was giving the examination and with regard to that he has submitted his admit card as Annexure-3 to the petition. It is further submitted that the petitioner has a clean antecedent.

Having regard to the facts and circumstances of the case, more particularly the fact that no offence is made out under the provisions of the Excise Act, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail. Accordingly, I direct the petitioner, above named, 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 anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Saran at Chapra in connection with Dighwara P.S. Case No. 124 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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