

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12602 of 2018

Arising Out of PS.Case No. -408 Year- 2017 Thana -DEEPNAGAR District- NALANDA
(BIHARSHARIFF)

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1. Guddu Kumar S/o Naresh Prasad
2. Suddu Kumar S/o Moti Mahto
3. Sanny Kumar S/o Ram Chandra Prasad
All resident of village-Devisarai, P.S. Deepnagar, District-Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Rudal Singh

For the Opposite Party/s : Mr. Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Deepnagar P.S. Case No. 408 of 2017 registered for the offence punishable under Sections 30 and 30(A) of the Bihar Prohibition and Excise Amendment Act, 2016.

The allegation is regarding recovery of 314 liters of illicit liquor from the possession of one Sujit Kumar and he is said to have disclosed the name of the petitioners as one of his accomplice.

The learned counsel for the petitioners submits that no recovery has been made from the conscious possession of the



petitioners. It is further submitted that though the petitioners have been made accused in the two other cases which are of similar nature, they have been granted bail in one of the case.

Considering the nature of accusation and 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 petitioners herein to the privilege of anticipatory bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned 6th Additional District and Sessions Judge-cum-Special Judge, Excise, Nalanda, Bihar Sharif in connection with Deepnagar P.S. Case No. 408 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that in case the petitioners are implicated in similar nature of occurrence in future, the present privilege of the anticipatory bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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