

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12397 of 2018

Arising Out of PS.Case No. -371 Year- 2017 Thana -KISHANGANJ District- KISANGANJ

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Mithlesh Harijan, S/o Horilal Harijan, Resident of Satal Nehalbhag, P.S.-
Bahadurganj, District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Giri

For the Opposite Party/s : Mr. Ramchandra Sahani

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018 Heard the learned counsel for the petitioner and the

learned counsel for the State.

The petitioner seeks anticipatory bail in connection
with Kishanganj PS case no. 371 of 2017 registered for the
offences punishable under Sections 30(a) of the Bihar Prohibition
and Excise Act.

The allegation is regarding recovery of 58 liters of
illicit liquor from an auto-rickshaw said to be belonging to the
petitioner herein.

The learned counsel for the petitioner submits that
neither any recovery has been effected from the conscious
possession of the petitioner nor the said auto rickshaw was driven
by the petitioner and, in fact, he had given it on hire to some one



else and 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 District and Sessions Judge-II-cum- Special Judge, Excise Act, Kishanganj in connection with Kishanganj PS case no. 371 of 2017 corresponding to Special Case No. 329 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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