

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12095 of 2018

Arising Out of PS.Case No. -101 Year- 2017 Thana -KATRA District- MUZAFFARPUR

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1. Munna Sahni @ Birendra Bihari @ Balendra Bihari, son of Hemant Sahni @ Heman Sahni, resident of Village- Katai, Police Station- Katra, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Smt. Asha Devi

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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 A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Katra PS case no. 101 of 2017 registered for the offences punishable under Sections 272, 273 of Indian Penal Code and 30(A), 36, 38 of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 106.56 ltrs. of illicit liquor from a Sumo vehicle.

The learned counsel for the petitioner submits that neither any recovery has been made from the conscious possession of the petitioner nor the said Sumo vehicle belongs to the petitioner. It is further submitted that barring one case of similar nature in which the petitioner is on bail, the petitioner is having a fair antecedent.



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 appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, 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, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of 3rd Additional Sessions Judge -cum-Special Judge (Excise), Muzaffarpur in connection with Katra PS case no. 101 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure. It is further directed that in case, the petitioner is implicated in similar types of cases, the present privilege of anticipatory bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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