

.IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12198 of 2018

Arising Out of PS.Case No. -191 Year- 2017 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Madan Chaudhary, S/o Baiju Chaudhary,
2. Bhuwar Chaudhary S/o Late Saukit Chaudhary, Both R/o Village-
Bariariya Pasi Tola, P.S.- Sangrampur, District- East Champran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

=====

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 Sangrampur PS case no. 191 of 2017 registered for the
offences punishable under Sections 272, 273 of Indian Penal Code and
30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the police having recovered
20 ltrs. of illicit liquor from the gate of the petitioner and the same was
then thrown, as such, no seizure list was prepared.

The learned counsel for the petitioners submits that
neither any recovery has been made from the conscious possession of
the petitioners nor there is any proof of recovery of any liquor except
the bald statement of the police. It is further submitted that barring one



case on same and similar allegation, the petitioners are having fair antecedents.

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 petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, 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, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge (Excise), Motihari in connection with Sangrampur PS case no. 191 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)

rinkee/-

U		T	
---	--	---	--

