

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12099 of 2018

Arising Out of PS.Case No. -128 Year- 2017 Thana -GOVINDPUR District- NAWADA

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Upendra Chaudhary @ Mahto, s/o Rajendra Chaudhary, r/o vill-Govindpur
Dih, PS- Govindpur, Dist- Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Nath

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

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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 Govindpur PS case no. 128 of 2017 registered for the
offences punishable under Section 30(a) of Bihar Prohibition and
Excise Act, 2016.

The allegation is regarding recovery of 85 ltrs. of illicit
liquor from a forest area.

The learned counsel for the petitioner submits that
neither any recovery has been made from the conscious possession of
the petitioner nor the place from where the recovery has been made
belongs to the petitioner. It is further submitted that the petitioner has a
clean 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 A.D.J.II-cum-Special Judge (Excise), Nawada in connection with Govindpur PS case no. 128 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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