

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4594 of 2018

Arising Out of PS.Case No. -337 Year- 2017 Thana -MARHAURA District- SARAN

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1. Sanjay Ray S/o Sankar Ray, R/o Village- Gopalwari, P.S.- Masrakh,
Distt.- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Sri Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2018 Heard the learned counsel for the petitioner and the

learned APP for the State.

This is an application for grant of anticipatory bail

in connection with Madhoura (Marhowrah) PS case no. 337 of

2017 instituted for the offences punishable under Sections 188,

120(B) of Indian Penal Code, 30, 38, 41 of the Bihar Excise and

Prohibition Act, 2016.

The allegation is regarding recovery of about 1062

ltrs. of illicit liquor from a Bolero vehicle belonging to the

petitioner herein. It is further alleged that various quantities of

illicit liquor were also recovered from a truck and another Bolero

vehicle standing there.



The learned counsel for the petitioner submits that neither any recovery has been made from the conscious possession of the petitioner nor the petitioner was present at the place of occurrence and the car was being used by some one else. It is further submitted that the petitioner has a clean antecedent.

Having regard to the facts and circumstances of the case, more particularly, the fact that *prima facie*, no offence under the provisions of the Excise Act are made out, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the 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 6th A.D.J./Special Court, Excise, Saran (Chapra) in connection with Madhaura (Marhowraha) PS case no. 337 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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