

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4082 of 2018

Arising Out of PS.Case No. -555 Year- 2017 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Amit Kumar Choudhary @ Amit Choudhary S/o Ram Ishwar Choudhary @
Rameshwar Choudhary, R/o Village- Suki Kateshar (Harlo Chanpur), P.S.-
Patepur, District- Vaishali (Hajipur) At present Residing as Renter of Anju
Rai of Mohalla- Mai Asthan Bibiganj, P.S.- Sadar District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav

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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 A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Muzaffarpur Sadar P.S. Case No. 555 of 2017
registered for the offence punishable under Sections 270, 290 and
272 of the Indian Penal Code and Sections 30(A), 38 and 41 of the
Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of about 17 liters of
illicit liquor from the house of one Suman Kumar and the said
Suman Kumar is said to have disclosed the name of the petitioner
herein as the person who was selling the liquor from door to door
service.

The learned counsel for the petitioner submits that



neither the house belongs to the petitioner herein nor any recovery has been made from the conscious possession of the petitioner herein. It is further submitted that no case appears to have been made out under the provisions of the Excise Act.

Having regard to the facts and circumstances of the case, more particularly 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, 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, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge (Excise), Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 555 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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