

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12291 of 2018

Arising Out of PS.Case No. -344 Year- 2017 Thana -DARIYAPUR District- SARAN

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Mogal Rai S/o Late Asharphi Rai, R/o Village- Samanchak, P.S.-
Dariyapur, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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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 counsel for the State.

The petitioner seeks anticipatory bail in connection
with Dariyapur PS case no. 344 of 2017 registered for the offences
punishable under Sections 30 and 30(A) of the Bihar Prohibition
and Excise Act.

The allegation is regarding recovery of 90 liters of
illicit liquor from Haradiya Chawar.

The learned counsel for the petitioner submits that
neither any recovery has been made from the conscious possession
of the petitioner herein nor the chawar from where the recovery
has been made belongs to the petitioner. It is further submitted that
the petitioner is having a clean antecedent.



Considering the nature of accusation levelled against the petitioner herein as also 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.

Accordingly, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional District and Sessions Judge, Saran at Chapra in connection with Dariyapur PS case no. 344 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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