

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12028 of 2018

Arising Out of PS.Case No. -269 Year- 2017 Thana -HUSAINGANJ District- SIWAN

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1. Ashok Sah, son of Swaminath Sah, Resident of Village- Gopalpur, P.S.
Hussainganj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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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 Hussainganj PS case no. 269 of 2017 registered for the
offences punishable under Sections 272, 273, 308 of Indian Penal Code
and 41(1), 30, 36 and 38 of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 86.4 ltrs. of
illicit liquor from a Bolero jeep which had met with an accident.

The learned counsel for the petitioner submits that
neither any recovery has been effected from the conscious possession of
the petitioner nor the said jeep 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 Additional District & Sessions Judge-IIInd-cum-Special Judge (Excise), Siwan in connection with Hussainganj PS case no. 269 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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