

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11598 of 2018

Arising Out of PS.Case No. -312 Year- 2017 Thana -HUSAINGANJ District- SIWAN

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Chiraiya @ Rajendra Prasad, son of Ramji Prasad, Resident of Village-Gopalpur, P.S. Hussainganj, District- Siwan.

.... Petitioner/s

Versus

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. Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2018

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 P.S. Case No.312 of 2017 registered for the offence punishable under Sections 272, 273 and 308 of the Indian Penal Code and Sections 30, 36, 38,41(1) and 62 of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 518 litres from the Bathan of one Balendra Singh.

The learned counsel for the petitioner submits that neither any recovery has been made from the conscious possession of the petitioner nor the said Bathan belongs to the petitioner from where the alleged recovery has been made. It is



submitted by the learned counsel for the petitioner that the similarly situated co-accused person has been granted anticipatory bail by an order dated 20.02.2018 passed in Cr. Misc. No.9510 of 2018. It is further submitted that barring one case in which the petitioner is on bail, the petitioner is having a fair antecedent.

Considering the nature of accusation and the fact that, prima facie, no case is made out for the offences punishable under the Excise Act, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, in the even 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 Additional District and Sessions Judge 2nd cum Special Judge (Excise), Siwan in connection with Hussainganj P.S. Case No.312 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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