

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17777 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Shankar Mahto, son of Late Baidyanath Mahto, Resident of Village -
Kashipur, Town, P.S.- and Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh
For the Opposite Party/s : Mr. Rajeev Nayan (APP-231)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-03-2019 The petitioner seeks bail in anticipation of his

arrest in connection with Excise Case No. 45 of 2019

instituted for the offences under Section 30(a) of the Bihar

Prohibition & Excise Act, 2016.

69.8 litres of liquor is said to have been recovered

from the balcony of the first floor of the house.

The learned counsel for the petitioner has pointed

out that the house in question is of three floors and a

nursing home is being run on the ground floor. There is a

common staircase and the balcony is accessible from all

sides of the staircase.

Apart from this, it has been submitted that since



the family of the petitioner stays in the first floor of the house, the wife of the petitioner who was present in the house was arrested in connection with the subject F.I.R. The petitioner happens to be the military personnel, who was not present at the time of search, seizure and raid.

Considering the aforestated facts and the clean antecedents of the petitioner as also taking into account that his wife is in custody for the same offence, the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur in connection with Excise Case No. 45 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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