

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80125 of 2019**

Arising Out of PS. Case No.-20 Year-2013 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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SHAMBHU CHOUDHARY @ DALA CHOUDHARY, aged about 55 years,
Gender-Male, son of Late Jitendra Choudhary @ Rajendra Choudhary,
Resident of Village - Brindaban, P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Irshad, Advocate

For the Opposite Party/s : Mr. Amarendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 16-03-2020 Heard learned counsel for the petitioner and

learned counsel for the State.

In this case, the petitioner is seeking anticipatory
bail in connection with Excise Case No. 20C2 of 2013,
registered for the offence under Section 47(a)(f) of the Bihar
Excise Act.

Allegation has been made that about 60 litres of
Mahua liquor has been recovered from the house of the
petitioner.

Learned counsel for the petitioner submits that at
the relevant time, the petitioner was outside the village in
connection with earning his livelihood and after a long time he
could know about the present case. He further submits that in



the present case, new law would not apply as it is a case of 2013 and in the old law the provisions are not so rigorous. He next submits that the petitioner has no criminal antecedent.

Looking to the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on anticipatory bail in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the A.D.J. II, Lakhisarai, in connection with Excise Case No. 20C2 of 2013, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

However, at the time of accepting bail bonds, the court below would verify and assure itself regarding the criminal antecedent of the petitioner. If he is having clean antecedent, then his bail bond would be accepted. If he is found to be involved in any other case before filing of this application i.e. 05.12.2019 then his bail bond would not be accepted.

(Shivaji Pandey, J)

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