

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12026 of 2018

Arising Out of PS.Case No. -1000 Year- 2017 Thana -SITAMARHI District- SITAMARHI

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1. Chhotu Marbari @ Amit Kumar Agrawal,
2. Baru Marbari @ Sunil Kumar Agrawal, Both are Son of Gopal Marbari
@ Krishna Gopal Agrawal, Resident of Village- Mohanpur, P.S.- Sitamarhi,
District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Sri Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018

Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Sitamarhi PS case no. 1000 of 2017 registered for the
offences punishable under Sections 272, 273 of Indian Penal Code and
30(A) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 774 ltrs. of illicit
liquor from the vacated house of Dr. Basant Kumar.

The learned counsel for the petitioners submits that
neither any recovery has been made from the conscious possession of
the petitioner nor the said place from where the recovery has been made
belongs to the petitioners. It is further submitted that similarly situated
co-accused person has already been granted bail by this court vide



order dated 13.02.2018 passed in Cr.Misc. no. 8610 of 2018. It is further submitted that the petitioners have clean antecedents.

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) each with two sureties of the like amount each to the satisfaction of A.D.J. II cum Special Judge (Excise), Sitamarhi in connection with Sitamarhi PS case no. 1000 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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