

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55577 of 2016

Arising Out of PS.Case No. -96 Year- 2016 Thana -RIVILGANJ District- SARAN

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Santosh Mahto, son of Nageshwar Mahto, Resident of Village- Newaji
Tola Bintoli, P.S. Rivilganj, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-01-2017 Heard both sides.

The petitioner apprehends his arrest in Rivilganj P.S.

Case No. 96/2016 registered under Sections 272/273 of the Indian
Penal Code and Section 47 of the Bihar Excise (Amendment) Act,
2016.

Learned counsel for the petitioner submits that 105
litres of country made liquor was recovered from a field and two
persons were apprehended who disclosed the names of the
petitioner and others. Three persons, from whose house country
made liquor was recovered, have already been granted anticipatory
bail vide order passed in Cr. Misc. no. 54249/2016. The case of
the petitioner stands on similar footing. The search and seizure
was not made in accordance with law. The seizure list was not
handed over to any family member of the petitioner and, therefore,



the search and seizure is suspicious.

Considering the facts aforesaid and the fact that similarly situated accused persons have already been enlarged on anticipatory bail vide order passed by a Co-ordinate Bench of this Court, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. VIII, Saran, Chapra in Rivilganj P.S. Case No. 96/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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