

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24717 of 2018

Arising Out of PS.Case No. -449 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District -
MUZAFFARPUR

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1. Rajendra Saw @ Rajendra Sah son of Musai Sah @ Musai Saw resident
of village - Shivdaha, P.S. - Gaighat, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh

For the Opposite Party/s : Mr. Dr. Indivar Kumari

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2018 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 Excise case no. 449 of 2017 registered for the
offences punishable under Sections 30(a), 37(d), 38 of Bihar
Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 13.33 ltrs. of
illicit liquor from the back of the house of the petitioner near the
open field of the petitioner.

The learned counsel for the petitioner submits that
neither any recovery has been made from the conscious possession
of the petitioner nor the provision of Section 100 of Code of
Criminal Procedure has been complied while preparing seizure



list, hence the entire seizure stands vitiated. It is further submitted that the petitioner is having clean antecedent.

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) with two sureties of the like amount each to the satisfaction of Special Judge (Excise), Muzaffarpur in connection with Excise PS case no. 449 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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