

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24506 of 2018

Arising Out of PS.Case No. -93 Year- 2018 Thana -GOPALGANJ TOWN District- GOPALGANJ

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Amlesh Kumar @ Amlesh Sah, son of Basudeo Sah, Resident of Village-
Rajo Khar Nawada, P.S. Town Gopalganj, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Naresh Chandra Verma

For the Opposite Party/s : Mr. Matloob Rab

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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 Gopalganj Town P.S. Case No. 93 of 2018
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition & Excise Act.

The allegation is regarding recovery of 14 litres of illicit
liquor from a tent house where the petitioner is said to have been
sitting.

The learned counsel for the petitioner submits that
neither the said tent house belongs to the petitioner nor any
recovery has been made from the conscious possession of the
petitioner herein. It is further submitted that the provisions of



Section 100 Cr.P.C. has not been complied with while preparing the seizure list, hence the seizure list itself is vitiated. Lastly, it is submitted that the petitioner is having a clean antecedent.

Considering the nature of accusation and the fact that prima facie no case is made out for the offences under the provisions of the Excise Act, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, in the event of 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, the petitioner, above named, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge (Excise), Gopalganj in connection with Gopalganj Town P.S. Case No. 93 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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