

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11280 of 2018

Arising Out of PS. Case No.-271 Year-2017 Thana- ROSERA District- Samastipur

Surendra Kumar Mahto, Son of Hari Har Mahto, Resident of Village-
Gehumana Ward No. 8, Post Office- Arout, Police Station- Rosera, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. SRI MUKESHWAR DAYAL

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2018 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 Rosera P.S. Case No. 271 of 2017 registered for
the offence punishable under Sections 30(a), 38(i) (ii) and 47
of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 31.1 litres of illicit
liquor from motorcycle.

The learned counsel for the petitioner submits that no
recovery has been made from the conscious possession of the
petitioner and though the motorcycle belongs to the petitioner
but the same was not being driven by him. It is further
submitted that the provisions of Section 100 Cr.P.C. has not



been followed while preparing the seizure list. The petitioner is said to be having a 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 proper to admit the petitioner herein to the privilege of anticipatory bail, 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 on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIth, Samastipur in connection with Rosera P.S. Case No. 271 of 2017 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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