

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11997 of 2018

Arising Out of PS.Case No. -2 Year- 2018 Thana -GARDANIBAGH District- PATNA

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1. Vikash Kumar, S/o Late Ram Pravesh Rai @ Ram Pravesh Yadav,
Resident of village- Yarpur Yogiya Toli, P.S.- Gardanibagh, Distt.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018

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 Gardanibagh PS case no. 02 of 2018 registered for the
offences punishable under Sections 38(i)(ii)/ 41(i) of Bihar Prohibition
and Excise Act, 2016.

The allegation is regarding recovery of 15 bottles
containing 750 ml each of illicit liquor from the cow shed of the
petitioner.

The learned counsel for the petitioner submits that no
recovery has been made from the conscious possession of the
petitioner. It is further submitted that Section 100 of Cr.P.C. has not
been complied while seizing the said illicit liquor, hence the entire
seizure is vitiated in the eye of law. It is further submitted that the
petitioner is accused in one another case, however he is on bail in the



said case.

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), Patna in connection with Gardanibagh PS case no. 02 of 2018 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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