

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24780 of 2018

Arising Out of PS.Case No. -9 Year- 2018 Thana -BARAUNI District- BEGUSARAI

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1. Sita Ram Singh S/o Late Vishwanath Singh, R/o Vill.- Bihat, Tola, Jagir,
P.S.- Barauni, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Kumar

For the Opposite Party/s : Mr. Sri S. Ehteshamuddin

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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 Barauni PS case no. 09 of 2018 registered for
the offences punishable under Sections 272, 273 of Indian Penal
Code and 30(A) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 11.250 ltrs.
of illicit liquor from the back side of a line hotel.

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 said line hotel does not belong to the petitioner herein.

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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Barauni PS case no. 09 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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