

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4412 of 2018

Arising Out of PS.Case No. -78 Year- 2017 Thana -KATRAHA District- VAISHALI(HAJIPUR)

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1. Sanjeet Rai, Son of Shankar Rai, Resident of Kartaha Tola Tara, P.S.
Kartaha, District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nikhil Kumar Agrawal

For the Opposite Party/s : Mr. Sri Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2018 Heard the learned counsel for the petitioner and the

learned APP for the State.

This is an application for grant of anticipatory bail

in connection with Kartaha PS case no. 78 of 2017 instituted for

the offences punishable under Sections 30A, 32(2), 41(1) of the

Bihar Excise and Prohibition Act, 2016.

The allegation is regarding recovery of 49.320 ltrs.

of foreign liquor from the agricultural field of the petitioner.

The learned counsel for the petitioner submits that

no recovery has been made from the conscious possession of the

petitioner and moreover, the said field from where the recovery

has been made, is an open field and anyone one can keep anything

on that field, however the fact is that there is violation of Section



100 of Code of Criminal Procedure. The petitioner is said to be having a clean antecedent.

Having regard to the facts and circumstances of the case as also the fact that there is violation of Section 100 of Code of Criminal procedure, *prima facie*, no offence appears to be made out under the provisions of the Excise Act, hence I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the 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-cum-ADJ II Vaishali, Hajipur in connection with Kartaha PS case no. 78 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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