IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12077 of 2018

Arising Out of PS.Case No. -264 Year- 2017 Thana -MADANPURA District- AURANGABAD

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1. Sikandar Bhuiyan, S/o Viphan Bhuiyan,
2. Congres Bhuiyan S/o Late Nanhak Bhuiyan, Both R/o Village- Belwan P.S.- Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Nivedita Nirvikar
For the Opposite Party/s : Mr. Sri Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Madanpur PS case no. 264 of 2017 registered for the offences punishable under Sections 30(a), 30(d), 38 of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 2 ltrs. of illicit liquor from the house of petitioner no. 1 and 1 ltr. of illicit liquor from the house of petitioner no. 2.

The learned counsel for the petitioners submits that neither any recovery has been made from the conscious possession of the petitioners nor there is compliance of Section 100 of Cr.P.C. while seizing the said illicit liquor, hence the entire seizure is vitiated in the eye of law. It is further submitted that the petitioners have clean

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antecedents.

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 petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their 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, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad in connection with Madanpur PS case no. 264 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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