

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24493 of 2018

Arising Out of PS.Case No. -28 Year- 2018 Thana -KUTUMBA District- AURANGABAD

- =====
1. Sonu Kumar, Son of Late Chandeshwar Sharma, Resident of Village-Dadhpa, P.S.- Kutumba, District- Aurangabad.
 2. Wadhwa @ Shailesh @ Shalesh, Son of Banwari Baitha, Resident of Village- Dadhpa, P.S.- Kutumba, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjana

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2018 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 Kutumba PS case no. 28 of 2018 registered for the offences punishable under Sections 414 of Indian Penal Code and 30(a), 38(ii) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 4.5 ltrs. of illicit liquor from one co-accused Suraj Kumar and 20 ltrs. of illicit liquor from co-accused Vijay. The said two persons were apprehended on the spot and they are said to have disclosed the name of the petitioners who are said to have fled away from the scene of occurrence.



The learned counsel for the petitioners submits that neither any recovery has been made from the conscious possession of the petitioners 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 petitioners are having clean 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 Special Judge (Excise), Aurangabad in connection with Kutumba PS case no. 28 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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