

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24636 of 2018

Arising Out of PS.Case No. -42 Year- 2018 Thana -SUPAUL District- SUPAUL

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Bikash Kumar, son of Rameshwar Yadav, resident of Muhalla- Gauravgarh
Ward No.- 5, P.S. and District- Supaul.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Arun Kumar Jha

For the Opposite Party/s : Mr. Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-04-2018 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 S.T. Excise Case No. 83 of 2018 arising out of Supaul P.S. Case No. 42 of 2018 registered for the offence punishable under Sections 30(a) and 37(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 9 litres of illicit liquor from behind the house of the petitioner herein.

The learned counsel for the petitioner submits that the area from where the recovery has been made is not situated within the premises of the petitioner and moreover no recovery has been made from the conscious possession of the petitioner herein. It is further submitted that the provisions of Section 100 Cr.P.C. has



not been complied with while preparing the seizure list, hence the seizure list itself is vitiated. Lastly, it is submitted that the petitioner is having a clean antecedent.

Considering the nature of accusation and the fact that prima facie no case is made out for the offences under the provisions of the Excise Act, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, in the event of 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, the petitioner, above named, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Supaul in connection with S.T. Excise No. 83 of 2018 arising out of Supaul P.S. Case No. 42 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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