

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11632 of 2018

Arising Out of PS.Case No. -303 Year- 2017 Thana -ISLAMPUR District- NALANDA
(BIHARSHARIFF)

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Ampu Singh, Son of Mithalesh Singh, resident of Village- Mani Chack,
P.S.- Islampur, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Mr. Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2018 Heard the learned counsel for the petitioner and the

learned counsel for the State.

The petitioner seeks anticipatory bail in connection
with Islampur PS case no. 303 of 2017 registered for the offences
punishable under Sections 30(a), (c),(d) of the Bihar Prohibition
and Excise Act.

The allegation is regarding recovery of 642.125 liters of
illicit liquor from a pick up van which was standing besides the
road.

The learned counsel for the petitioner submits that no
recovery whatsoever has been made from the conscious
possession of the petitioner herein and the fact is that the said pick
up van also does not belong to the petitioner, hence the petitioner



has been falsely implicated in the present case. It is also submitted that the provision of Section 100 Cr. P.C. has not been complied with, hence the seizure itself is doubtful.

Considering the nature of accusation levelled against the petitioner herein as also the fact that prima facie no case is made out 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 concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional District and Sessions Judge-cum- Special Judge, Excise Act, Nalanda at Biharsharif in connection with Islampur PS case no. 303 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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