

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25103 of 2018

Arising Out of PS.Case No. -13 Year- 2018 Thana -SAHJAHANPUR District- PATNA

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Mahavir Ravi Das S/o Late Somar Ravidas, R/o Vill.- Badhawna, P.S.-
Daniyanwa, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2018 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks anticipatory bail in connection
with Shahjhanpur P.S. Case No. 13 of 2018 for the offences
punishable under Section 30(a), 38(1) of Bihar Prohibition and
Excise Act, 2016.

Allegation is regarding recovery of 80 liter of illicit
liquor from an open space.

The learned counsel for the petitioner submits that
the petitioner has no connection with the said open space
inasmuch as the same is situated in another village i.e. the village
other than the village where the petitioner is residing. It is further submitted
that said illicit liquor has not been recovered from the conscious possession



of the petitioner. It is also submitted that the provisions of Section 100 of the Code of Criminal Procedure has not been complied with, hence the seizure itself is doubtful.

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 petitioner 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 bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Patna in connection with Shahjhanpur P.S. Case No.13 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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