

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9323 of 2018

Arising Out of PS.Case No. -189 Year- 2017 Thana -ROSHANGAANJ District- GAYA

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Ramesh Das, Son of Mosendra Das, Resident of Village- Singhpur, P.S.-
Banke Bazar (Raushanganj), District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Anil Kumar Saxena

For the Opposite Party/s : Smt. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018 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 Raushanganj (Banke Bazar) P.S. Case No. 189 of 2017 registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) (d) of the Bihar Excise Act, 2016.

The allegation is regarding recovery of 10 kgs. of Mahua flower and 15 liters of illicit Mahua liquor from the house of the petitioner.

The learned counsel for the petitioner submits that though in the FIR it has been mentioned that the said recovery was made from beside the gate of the house of the petitioner but in the seizure list it has been mentioned that recovery has been made



from the house of the petitioner. It is further submitted that the provisions of Section 100 Cr.P.C. has not been complied with while preparing the seizure list. The petitioner is said to be having a clean antecedent.

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 proper to admit the petitioner herein to the privilege of anticipatory bail, in the event of his 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 on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Gaya in connection with Raushanganj P.S. Case No. 189 of 2017 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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