

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24900 of 2018

Arising Out of PS. Case No.-827 Year-2016 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Bali Mahto @ Balram Mahto @ Balli Sahani, S/o Raj Kumar Mahto,
Resident of Mohalla- Akharaghat, Karpuri Nagar, P.S.- Town, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Sri Kalyan Shankar

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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 A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Town P.S. Case No. 827 of 2016 registered for the offence punishable under Sections 272, 273, 120(B) of the Indian Penal Code and Sections 30(a), 38(2) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 440.49 litres of illicit liquor from the house of one Baiju Mahto.

The learned counsel for the petitioner submits that neither the said house belongs to the petitioner nor any recovery has been made from the conscious possession 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, 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 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/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Town P.S. Case No. 827 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Mohit Kumar Shah, J)

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