

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24499 of 2018

Arising out of PS.Case No. -28 Year- 2018 Thana -HABIBPUR District- BHAGALPUR

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Putul Sah @ Pradeep Kumar Sah Son of Late Balram Sah resident of
Habibpur (Takkichak), P.S. - Habibpur, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Ms. Anita Kumari Singh

For the Opposite Party/s : Mr. Manish Kumar 2

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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 Habibpur P.S. Case No. 28 of 2018 registered for
the offence punishable under Section 30A of the Bihar Prohibition
and Excise Act.

The allegation is regarding three persons having been
apprehended and 750 ml. of illicit liquor being recovered from
them whereupon the said three co-accused persons disclosed that
they had purchased the said illicit liquor from the petitioner herein.

The learned counsel for the petitioner submits that no
recovery has been made from the conscious possession of the
petitioner herein and the petitioner has got nothing to do with the



said co-accused persons. 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-IVth, Bhagalpur-cum-Special Judge (Excise), Bhagalpur in connection with Habibpur P.S. Case No. 28 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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