

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10838 of 2018

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Manish Kumar, Son of Lal Babu Rai @ Lal Babu Prasad, Resident of
Village/Mohalla- Sanjay Gandhi Nagar, P.S.- Patrakar Nagar, District-
Patna, Bihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Tarun Prasad Mandal

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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 Special Case No. 298 of 2018 arising out of Patrakar Nagar
P.S. Case No. 690 of 2017 registered for the offences punishable
under Sections 30(a),30(b), 38 and 41 of the Bihar Prohibition and
Excise Act.

The allegation is regarding recovery of 18.75 liters of
illicit liquor from a Maximo van, owner whereof is the petitioner
herein.

The learned counsel for the petitioner submits that no
recovery has been effected from the person of the petitioner
herein, however, the fact is that though the said vehicle belongs to
the petitioner, but the same is being run for the purposes of
carrying the students of the school and the same had been parked



on the road side on occasion of winter vacation of the school, hence possibility of plantation of liquor cannot be ruled out. It is further submitted that the provisions of Section 100 Cr. P.C. has not been complied with while preparing the seizure list and as such 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 Special Judge, Excise Act, Patna in connection with Special Case No.298 of 2018 arising out of Patrakar Nagar P.S. Case No. 690 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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