

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11841 of 2018

Arising Out of PS.Case No. -182 Year- 2017 Thana -DIDARGANJ District- PATNA

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Rahul Raj, S/o Suresh Prasad Sharma, Resident of Village- Raybag, Police
Station- Didarganj, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Parmanand Kumar

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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 Didarganj PS case no. 182 of 2017 registered for the offences
punishable under Sections 30(a) and 36 of the Bihar Prohibition
and Excise Act.

The allegation is regarding recovery of 3 liters of illicit
liquor from the motorcycle of the petitioner.

The learned counsel for the petitioner submits that no
recovery has been made from the conscious possession of the
petitioner. It is further submitted that the provision of Section 100
Cr. P.C. has not been complied with, hence the seizure itself is
doubtful and the petitioner is having a fair antecedent.



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 Spl. Judge N.I.A. Cum A.D.J. IV- cum Special Judge, Excise Act, Patna in connection with Didarganj PS case no. 182 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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