

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25250 of 2018

Arising Out of PS.Case No. -183 Year- 2017 Thana -PHULWARIA District- GOPALGANJ

- =====
1. Sandeep Kumar @ Sandeep Yadav Son of Suresh Choudhary @ Suresh Yadav
 2. Santosh Yadav @ Santosh Kumar Son of Parshuram Choudhary Both residents of Village - Shri Nagar, Police Station - Fulwariya, District - Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2018 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek anticipatory bail in connection with Fulwariya P.S. Case No. 183 of 2017 for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Allegation is regarding recovery of 36.600 liter of illicit liquor from the co-accused namely Shivji Choudhary.

The learned counsel for the petitioners submits that no recovery has been made from conscious possession of the petitioners. It is further submitted that the provisions of Section 100 of the Code of Criminal Procedure has not been complied



with, hence the seizure itself is doubtful. It is submitted that the petitioners have no criminal 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 petitioners to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, the petitioners, above named, are directed to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 2nd -cum- Special Judge, Gopalganj in connection with Fulwariya P.S. Case No.183 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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