

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24208 of 2018

Arising Out of PS.Case No. -90 Year- 2018 Thana -GOVT. OFFICIAL COMPLAINT CASE
District- SEKHPURA

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DILKHUSH SINGH @ DILKUSH SINGH @ DILKUSH KUMAR @
DILKHUSH KUMAR S/o Futus Singh @ Mintu Singh, R/o Vill.- Barma,
P.S.- Sirari, O.P.- Sheikhpura, Distt.- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

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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 APP for the State.

The petitioner seeks anticipatory bail in connection
with Excise Case No. 90c-2/2018 dated 24.03.2018 arising out of
Excise Case No.199 of 2017-18 for the offences punishable under
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Allegation is regarding recovery of 26.160 liter of
illicit liquor from the cartoon belonging to the petitioner herein.

The learned counsel for the petitioner submits that
the said illicit liquor has not been recovered from the conscious
possession of the petitioner, but from a field which does not
belong to the petitioner herein. 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.

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/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned First Additional District and Sessions Judge, Sheikhpura in connection with Excise Case No. 90c-2/2018 arising out of Excise Case No. 199 of 2017-18, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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