

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24243 of 2018

Arising Out of PS.Case No. -29 Year- 2018 Thana -KUTUMBA District- AURANGABAD

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1. DILIP KUMAR,
2. Sanjay Ram,
3. Pradeep Kumar @ Pradeep Ram All are Sons of Sukan Ram, R/o Vill.-
P.S.- Kutumba, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Sri Sakir Ahmad

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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
counsel for the State.

The petitioner seeks anticipatory bail in connection with
Kutumba P.S. Case No.29 of 2018 registered for the offences
punishable under Sections 30(a) and 38 (ii) of the Bihar
Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 29 liters of illicit
liquor from the motorcycle and 7 liters of illicit country-made
Mahua liquor from a bush.

The learned counsel for the petitioner submits that neither
motorcycle belongs to the petitioner nor the bush is situated in the
premises of the petitioner and 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 leveled 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 preset order, the petitioners above named are directed to be released on anticipatory bail on furnishing bonds of Rs.10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Aurangabad in connection with Kutumba P.S. Case No.29 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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