

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24319 of 2018

Arising Out of PS.Case No. -34 Year- 2018 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

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1. Kamlesh Ray @ Kamlesh Yadav, S/o Horil Ray, R/o Vill.- Bahlolpur,
P.S.- Bhagwanpur, Distt.- Vaishali.

2. Rajiv Kumar S/o Satendra Ray, R/o Vill. - Kiratpur Raja Ram, P.S.-
Bhagwanpur, Distt.- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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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
Bhagwanpur P.S. Case No.34 of 2018 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act.

The allegation is regarding recovery of 3.7 liters of illicit
liquor from the place which is situated in the premises 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 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 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 Addl. Sessions Judge 2nd-cum-Special Court, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No.34 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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