

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24544 of 2018

Arising Out of PS.Case No. -44 Year- 2018 Thana -GAUTAMBUDHNAGAR District- SIWAN

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Hare Ram Chaudhary S/o Late Sudama Pasi, R/o Vill.- Misraulia, P.S.-
Gautam Budh Nagar (G.B. Nagar), District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Shambhu Prasad Yadav

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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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 A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with G.B. Nagar P.S. Case No. 44 of 2018 registered for the offence punishable under Sections 272, 273 and 308 of the Indian Penal Code and Sections 30, 34, 36, 38 and 41 of the Bihar Excise & Prohibition Act, 2016.

The allegation is regarding recovery of 4 litres of illicit liquor from a land situated near the house of the petitioner.

The learned counsel for the petitioner submits that no recovery has been made from the conscious possession of the petitioner herein. It is further submitted that the provisions of Section 100 Cr.P.C. has not been complied with while preparing



the seizure list, hence the seizure list itself is vitiated. Lastly, it is submitted that the petitioner is having a clean antecedent.

Considering the nature of accusation and the fact that prima facie no case is made out for the offences 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 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Siwan in connection with Gautam Budh Nagar (G.B. Nagar) P.S. Case No. 44 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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