

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24546 of 2018

Arising Out of PS.Case No. -54 Year- 2017 Thana -BHAGWANGANJ District- PATNA

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1. Upendra Yadav, S/o Ram Ekwat Yadav,
2. Pappu Kumar S/o Sideshar Yadav, Both are R/o Vill.- Pansari, P.S.-
Bhagwanganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-04-2018 Heard the learned counsel for the petitioners and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with special case no. 4583/2017 arising out of Bhagwanganj P.S. Case No. 54 of 2017 registered for the offence punishable under Section 30,A,C of the Bihar Prohibition and Excise Act, 2016 and Sections 3,5 and 17 of Mahua Flower Act.

The allegation is regarding recovery of 3 drums of two hundred litres each containing Mahua Liquor from the land of one Girja Yadav

The learned counsel for the petitioners submits that neither the land belongs to the petitioners nor any recovery has been made from the conscious possession of the petitioners 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 petitioners are 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 petitioners 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 petitioners, above named, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Patna in connection with Special Case No. 4583/2017 arising out of Bhagwanganj P.S. Case No. 54/2017 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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