

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24610 of 2018**

Arising Out of PS.Case No. -1 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-  
MUZAFFARPUR

=====

1. Udit Rai @ Udit Ray S/o Late Harinandan Rai, R/o Vill.- Madanpur,  
P.S.- Kurhani, District- Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      26-04-2018                      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 Excise case no. 01 of 2018 registered for the  
  
offences punishable under Sections 30(A), 38 of Bihar Prohibition  
  
and Excise Act, 2016.

The allegation is regarding recovery of 321.84 ltrs.  
  
of illicit liquor from a market place.

The learned counsel for the petitioner submits that  
  
neither any recovery has been made from the conscious possession  
  
of the petitioner nor the provision of Section 100 of Code of  
  
Criminal Procedure has been complied while preparing seizure  
  
list, hence the entire seizure stands vitiated. It is further submitted



that the petitioner is having clean antecedent.

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, the abovenamed petitioner, in the event of his 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, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge (Excise), Muzaffarpur in connection with Excise PS case no. 01 of 2018 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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