

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24234 of 2018

Arising Out of PS.Case No. -170 Year- 2017 Thana -GARDANIBAGH District- PATNA

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Suraj Kumar S/o Suresh Prasad, R/o Mohalla- Manikchand Talab, P.O.-
Anisabad, P.S.- Gardanibagh, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukul Prasad

For the Opposite Party/s : Mr. Chaubey Jawahar

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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 APP for the State.

The petitioner seeks anticipatory bail in connection
with Gardanibagh P.S. Case No. 170 of 2017 for the offences
punishable under Sections 37(a)(d)/38(a)(b)/41(a)(b) of Bihar
Prohibition and Excise Act, 2016.

Allegation is regarding recovery of 1 liter of illicit
liquor from a hut where the petitioner and the other accused
persons are said to have been drinking illicit liquor.

The learned counsel for the petitioner submits that
neither the said hut belongs to the petitioner nor any recovery has
been made from the conscious possession of the petitioner herein.
It is further submitted that the provisions of Section 100 of the



Code of Criminal Procedure has not been complied with, hence the seizure itself is doubtful. The petitioner is stated to be 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, in the event of arrest or surrender before the court below within a period of four 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 bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Gardanibagh P.S. Case No.170 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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