

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11352 of 2018

Arising Out of PS. Case No.-98 Year-2017 Thana- RAJAPAKAR District- Vaishali

Mukesh Kumar Rai, Son of Asharfi Roy, Resident of Village-Nilkanthpur,
P.S. Mahua, Dist.-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand

For the Opposite Party/s : Mr. SRI KALYAN SHANKAR

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2018 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 Rajapakar P.S. Case No. 98 of 2017 registered for the offence punishable under Sections 30(A), 38(1) (2) & 45 of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 350 litres of illicit liquor from the pick up van.

The learned counsel for the petitioner submits that the petitioner has not been named in the FIR and his name has transpired during the course of investigation as being the owner of the said vehicle. It is further submitted that no recovery has been effected from the conscious possession of the petitioner. It is submitted that the provisions of Section 100 Cr.P.C. has not



been followed while preparing the seizure list. The petitioner is said to be having a 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 proper to admit the petitioner herein to the privilege of anticipatory bail, 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 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 Sessions Judge-II-cum-Special Judge, Vaishali, Hajipur in connection with Rajapakar P.S. Case No. 98 of 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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