

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12533 of 2018

Arising Out of PS.Case No. -306 Year- 2017 Thana -MALSALAMI District- PATNA

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1. Sidharth Paswan @ Chukhna @ Sidharth Kumar, son of Gard Paswan,
Resident of Mohalla Mathani Tal, P.S. Malsalami District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh

For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018

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 Malsalami PS case no. 306 of 2017 registered for the offences punishable under Sections 30(a), 38, 41 of Bihar Prohibition and Excise Act, 2016 and 20, 22(a)(b)(c), 25, 25(A) of N.D.P.S. Act.

The allegation is regarding recovery of 16.20 ltrs. of mahua liquor and 240 gms. of ganja from the house said to be in the joint possession of the father of the petitioner and the petitioner herein.

The learned counsel for the petitioner submits that no recovery has been effected from the conscious possession of the petitioner. It is further submitted that Section 100 of Cr.P.C. has not been complied while seizing the said illicit liquor, hence the entire seizure is vitiated in the eye of law. It is further submitted that the



similarly situated co-accused person has already been granted bail vide order dated 10.01.2018 passed in Cr.Misc. no. 1655 of 2018. It is next submitted that the petitioner is an accused in one another case in which, he is already on bail.

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 Additional District & Sessions Judge 8th - cum- Special Judge (Excise), Patna in connection with Malsalami PS case no. 306 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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