

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24525 of 2018

Arising Out of PS.Case No. -1 Year- 2018 Thana -ARARIA District- ARARIA

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Prince Kumar S/o Dayanand Yadav, R/o Vill.- Kabilasha Bagulaha, P.S.-
Raniganj, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-04-2018 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 Special Case No. 213 of 2018 arising out of Excise Case No. 01-A of 2018 registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

The allegation is regarding recovery of 750 m.l. of illicit liquor from the motorcycle of the petitioner.

The learned counsel for the petitioner submits that no recovery has been made from the conscious possession of the petitioner 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 petitioner is 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 petitioner 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 petitioner, above named, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Araria in connection with Special Case No. 213 of 2018 arising out of Excise Case No. 01-A of 2018 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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