

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24776 of 2018

Arising Out of PS.Case No. -256 Year- 2017 Thana -RAJNAGAR District- MADHUBANI

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1. Shankar Mallik @ Shankar Kumar S/o Raj Kumar Mallik, R/o Vill.-
Kasiyauna, P.S.- Rajnagar, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

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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 Rajnagar PS case no. 256 of 2017 registered

for the offences punishable under Sections 272, 273/34 of Indian

Penal Code and 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 22.5 ltrs. of

illicit nepali liquor from a premise situated at the back of the

house of the petitioner. The name of the petitioner transpired upon

receipt of secret information by the police.

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. It is further submitted that co-accused person has already been granted anticipatory bail by an order dated 12.02.2018 passed in Cr. Misc. no. 8053 of 2018.

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 A.D.J. 2nd-cum-Special Judge, Excise Act, Madhubani in connection with Rajnagar PS case no. 256 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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