

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3920 of 2018

Arising Out of PS.Case No. -549 Year- 2017 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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1. Anand Ram @ Anand Kumar Son of Kanhaiya Ram Resident of
Mohalla- Mehtar Patti, Police Station- Town, Motihari, District East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2018 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 Motihari Town P.S. Case No. 549 of 2017
registered for the offence punishable under Section 30(A) of the
Bihar Prohibition & Excise Act, 2016.

The allegation is regarding recovery of 3 liters of illicit
Nepali liquor from the house of the petitioner.

The learned counsel for the petitioner submits that the
said house is in the joint possession of the family members of the
petitioner. It is further submitted that no recovery has been made
from the conscious possession of the petitioner and in fact, there is



no compliance of Section 100 Cr.P.C. inasmuch as neither the copy of the seizure list has been handed over to the family members of the petitioner nor the said seizure list has been signed by any of the family members of the petitioner. The petitioner is said to be having a clean antecedent.

Having regard to the facts and circumstances of the case, more particularly the fact that the seizure list itself appears to be doubtful, it cannot be said that a prima facie case is made out against the petitioner herein, I deem it fit and proper to enlarge the petitioner, above named, 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 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 Special Judge, Excise, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 549 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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