

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24720 of 2018

Arising Out of PS.Case No. -321 Year- 2017 Thana -SHIVSAGAR District- SASARAM
(ROHTAS)

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1. Guput Bind, S/o Late Chaturi Bind,
2. Rinku Bind @ Rinku Kumar, S/o Guput Bind,
3. Ranjan Bind @ Ranjan Kumar, S/o Guput Bind, All are R/o Village-
Rampur (Chakiya), P.S.- Shivsagar, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy

For the Opposite Party/s : Mr. Smt. Reena Sinha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2018 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Shivsagar PS case no. 321 of 2017 registered
for the offences punishable under Section 30(A) of Bihar
Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 2 ltrs. of
illicit liquor from the house in joint possession of the petitioners
and others.

The learned counsel for the petitioners submits that
neither any recovery has been made from the conscious possession
of the petitioners nor the said house is in active habitation of the



petitioners and the same has been long back abandoned by the petitioners herein. It is further submitted that the provision of Section 100 of Code of Criminal Procedure has not been complied while preparing seizure list, hence the entire seizure stands vitiated.

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 petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their 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, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge II-cum-Special Court (Judge) Excise, Rohtas at Sasaram in connection with Shivsagar PS case no. 321 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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