

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24393 of 2018

Arising Out of PS.Case No. -71 Year- 2018 Thana -TAJPUR District- SAMASTIPUR

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1. Vinod Ray, S/o Bijali Ray @ Basudeo Rai,
2. Bijali Ray @ Basudeo Ray S/o Late Anandu Bhagat, Both R/o Vill.-
Bherokhara, P.S.- Tajpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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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
counsel for the State.

The petitioners seek anticipatory bail in connection with
Tajpur P.S. Case No. 71 of 2018 registered for the offences
punishable under Sections 272, 273 of the IPC and Section 30(a)
of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 171 liters of illicit
liquor from a Maize field which is said to be in joint possession of
the petitioner herein.

The learned counsel for the petitioner submits that no
recovery has been made from the conscious possession of the
petitioner. It is further submitted that the provision of Section 100
Cr.P.C. has not been complied with, hence the seizure itself is



doubtful. It is further submitted as far that petitioner No.2 is concerned, he is having a clean antecedent and as far as petitioner No.1 is concerned, he is an accused in one case in which he is on bail.

Considering the nature of accusation leveled against the petitioners herein as also the fact that prima facie no case is made out 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 concerned court within a period of six weeks from the date of receipt / production of a copy of the preset order, the petitioners above named is directed to be released on anticipatory bail on furnishing bonds of Rs.10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge Excise Act, Samastipur in connection with Tajpur P.S. Case No.71 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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