

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12375 of 2018

Arising Out of PS.Case No. -102 Year- 2017 Thana -BHAIRABASHTHAN District-
MADHUBANI

=====

Raj Kumar Yadav, son of Late Mishree Yadav, resident of Village- Olipur,
P.S. Bhairbathan, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018 Heard the learned counsel for the petitioner and the

learned counsel for the State.

The petitioner seeks anticipatory bail in connection
with Bhairabasthan PS case no. 102 of 2017 registered for the
offences punishable under Sections 272, 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 2 liters of illicit
liquor from the motorcycle of the petitioner.

The learned counsel for the petitioner submits that no
recovery has been made from the possession of the petitioner. It is
further submitted that there is no compliance of Section 100 Cr.
P.C. while preparing the seizure list, hence the seizure itself is
doubtful. It is further submitted that barring one case in which the



petitioner is on bail, the petitioner is having a clean antecedent.

Considering the nature of accusation levelled against the petitioner 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 present order, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge-II-cum- Special Judge, Madhubani in connection with Bhairabasthan PS case no. 102 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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