

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24690 of 2018

Arising Out of PS.Case No. -10 Year- 2018 Thana -DARIHAT District- SASARAM (ROHTAS)

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Manoj Kumar @ Manoj Kumar Gupta @ Manoj Sah Son of Late Bhikhari
Sah Resident of Village - Dharhara, P.S. Darihat, District Rohtas.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta

For the Opposite Party/s : Mr. Akhileshwar Dayal

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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 APP for the State.

The petitioner seeks anticipatory bail in connection
with Darihat P.S. Case No. 10 of 2018 for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Allegation is regarding recovery of 8 liter of illicit
liquor from the house of co-accused namely Binod Sah.

The learned counsel for the petitioner submits that
neither the said house belongs to the petitioner nor any recovery
has been made from the conscious possession of the petitioner. It
is further submitted that the provisions of Section 100 of the Code
of Criminal Procedure has not been complied with, hence the
seizure itself is doubtful.



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, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, the petitioner, above named, is directed to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II -cum- Special Judge, Excise, Rohtas at Sasaram in connection with Darihat P.S. Case No.10 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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