

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25167 of 2018

Arising Out of PS.Case No. -369 Year- 2017 Thana -DALSINGHSARAI District- SAMASTIPUR

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Kanhaiya Rai @ Kanhaiya Kumar, S/o Umakant Rai, resident of Village-
Belwanna, Keota, Ward No. 2, P.S.- Dalsingsarai, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav

For the Opposite Party/s : Mr. Arbind Kumar Pandey

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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 Dalsingsarai P.S. Case No. 369 of 2017 for the offences
punishable under Sections 30(a), 38(i), 38(2), 41(i) of Bihar
Prohibition and Excise Act, 2016.

Allegation is regarding recovery of 6.750 liters of
illicit liquor from the cattle shed of the co-accused Akhilesh
Kumar Rai.

The learned counsel for the petitioner submits that
neither the cattle shed belongs to the petitioner nor any recovery
has been made from 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. The petitioner has no criminal antecedent.

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 ADJ-II-cum-Special Judge, Excise, Samastipur in connection with Dalsingsarai P.S. Case No.369 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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