

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25278 of 2018

Arising Out of PS.Case No. -102 Year- 2018 Thana -JAKKANPUR District- PATNA

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Kundan Sharma @ Bilaru S/o Sri Gauri Shankar Sharma Resident of New
Purandar Pur, Shiv Path Gali, Dopulwa, P.S. Jakkanpur, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Shankar Choudhary

For the Opposite Party/s : Mr. Pramod 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 Jakkan Pur P.S. Case No. 102 of 2018 for the offences
punishable under Section 30(a), 38(a), 41, 47 of Bihar Excise
Amendment Act, 2016, Spl. Case No. 2009 of 2018.

Allegation is regarding recovery of 1.26 liter of illicit
liquor from the house of co-accused namely Ramu Choudhary.

The learned counsel for the petitioner submits that
neither the 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. It is submitted that 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 Special Judge, Excise, Patna in connection with Jakkan Pur P.S. Case No.102 of 2018 (Spl. Case No. 2009 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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