

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24918 of 2018

Arising Out of PS. Case No.-273 Year-2017 Thana- MALSALAMI District- Patna

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Dharmendra Rai, Son of Nanda Rai, Resident of Mohalla- Damrahi Ghat,
Police Station- Malsalami, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Veena Kumari Jaiswal
For the Opposite Party/s : Mr. Smt. Madhuri Lata

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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 A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Malsalami P.S. Case No. 273 of 2017 registered for the offence punishable under Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 170 litres of illicit liquor from a car.

The learned counsel for the petitioner submits that neither the car 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 Cr.P.C. has not been complied with while preparing the seizure list, hence the seizure list itself is vitiated. Lastly, it is submitted that the



petitioner is having a clean antecedent.

Considering the nature of accusation and the fact that prima facie, no case is made out for the offences under the provisions of the Excise Act, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Malsalami P.S. Case No. 273 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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