

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11548 of 2018

Arising Out of PS.Case No. -378 Year- 2017 Thana -BUDDHACOLONY District- PATNA

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1. SANJAY GHANGAR @ SANAJY BID Son of Sri Bhola Ghangar
 2. Dilip Ghangar Son of Late Mahabir Ghangar Both are Resident of China Kothi, Harijan Colony, P.S.- Budha Colony, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Special Case No.7797 of 2017 arising out of Budha Colony P.S. Case No.378 of 2017 registered for the offence punishable under Section 30(a) of Bihar Prohibition Excise Act, 2016.

The allegation is regarding recovery of small quantity of illicit liquor from the houses of the petitioners herein.

The learned counsel for the petitioners submits that no recovery has been made from the conscious possession of the petitioners and moreover, the provision of Section 100 Cr.P.C. has not been complied, hence the entire seizure list is itself



doubtful. It is further submitted that the petitioners are having clean antecedent.

Considering the nature of accusation and the fact that, prima facie, no case is made out for the offences punishable under the Excise Act, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-VIII-cum-Special Judge, Excise, Patna in connection with Special Case No.7797 of 2017 arising out of Budha Colony P.S. Case No.378 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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