

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24990 of 2018

Arising Out of PS. Case No.-93 Year-2017 Thana- DEHRI TOWN District- Rohtas

Gurudwar Singh Son of Late Jagdeo Singh Resident of Village : Suba Bigha,
P.S. Dehri, District : Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Sri Anil Kumar

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 Dehri Nagar P.S. Case No. 93 of 2017 registered for the offence punishable under Sections 272/273 of the Indian Penal Code and Sections 30(a)/38 (i) (ii) / 41(i) of the Bihar Prohibition Amendment Act.

The allegation is regarding recovery of 60 litres of illicit liquor from a house, which does not belong to the petitioner herein.

The learned counsel for the petitioner submits that neither the house belongs to the petitioner herein 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 2nd Additional District & Sessions Judge cum Special Judge, Excise, Rohtas at Sasaram in connection with Dehri Nagar P.S. Case No. 93 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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