

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6549 of 2018

Arising Out of PS. Case No.-22 Year-2017 Thana- DHIBRA District- Aurangabad

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1. Ramswarup Bhuiyan, Son of Late Sitapati Bhuiyan,
 2. Sarif Bhuiyan, Son of Late Karu Bhuiyan, Both resident of Village-Tham Bigha, P.S.- Dibra, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari

For the Opposite Party/s : Mr. SRI ANISH CHANDRA

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-02-2018 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

At the outset, the learned counsel for the petitioners seeks to withdraw the present petition as far as the petitioner no. 1 is concerned.

Accordingly, the petition is dismissed, qua the petitioner no. 1, as withdrawn.

This is an application for grant of anticipatory bail in connection with Dhibra P.S. Case No. 22 of 2017 registered for the offence punishable under Sections 30(a) (d) and 38 of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of three boxes of soaked Mahua flower and some liquids kept in a jerkin from the house of the petitioner.



The learned counsel for the petitioner submits that no 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 followed while preparing the seizure list. 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 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 Additional Sessions Judge-VII-cum-Special Judge, Excise Act, Aurangabad in connection with Dhibra P.S. Case No. 22 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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