

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12014 of 2018

Arising Out of PS.Case No. -15 Year- 2018 Thana -AURANGABAD TOWN District-
AURANGABAD

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1. Vinay Singh, Son of Ramlakhan Singh, Resident of Village- Adri, P.S.-
Deo, District- Aurangabad.

2. Vikash @ Bikram Singh, Son of Ram Pravesh Singh, Resident of
Village- Anjan, P.S.- Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018 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 Town Aurangabad PS case no. 15 of 2018 registered
for the offences punishable under Sections 30(a), 38 (1) of Bihar
Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 23 ltrs. of illicit
liquor from the house and motorcycle of petitioner no. 1.

The learned counsel for the petitioners submits that
neither any recovery has been effected from the house of petitioners
herein nor any recovery has even been effected from the motorcycle of
petitioner no. 1. It is further submitted that the provisions of Section
100 of Code of Criminal Procedure has not been complied with, hence



the seizure itself is doubtful. Petitioner no. 2 is stated to be having a clean antecedent while the petitioner no. 1 is said to be implicated in one another case of similar nature but he is on bail in that case.

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 petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, 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, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad in connection with Town Aurangabad PS case no. 15 of 2018 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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