

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11818 of 2018

Arising Out of PS.Case No. -284 Year- 2017 Thana -BAIKUNTHPUR District- GOPALGANJ

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Jitan Singh @ Jitendra Singh son of Dharam Nath Singh @ Deo Nath Singh, R/O Village Pahar pur, P.S. Baikunthpur, District Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad

For the Opposite Party/s : Mr. Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2018 Heard the learned counsel for the petitioner and the learned counsel for the State.

The petitioner seeks anticipatory bail in connection with Baikunthpur PS case no. 284 of 2017 registered for the offences punishable under Sections 272/273 and Section 30(a)/36 of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 312.750 liters of illicit liquor from *palani* (husk house) which is said to be in the joint possession of the petitioner herein and his family members.

The learned counsel for the petitioner submits that no recovery has been made from the conscious possession of the petitioner and the provision of Section 100 Cr. P.C. has not been complied with, hence the seizure itself is doubtful. It is further submitted that barring one old case, the petitioner has a fair



antecedent.

Considering the nature of accusation levelled against the petitioner herein as also 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.

Accordingly, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Gopalganj in connection with Baikunthpur PS case no. 284 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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