

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10528 of 2018

Arising Out of PS.Case No. -100 Year- 2017 Thana -PATEPUR District- VAISHALI(HAJIPUR)

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Kamlesh Thakur S/o Late Ram Kripal Thakur, R/o Village- Musapur, P.S.-
Samastipur (Muffasil), District- Samastipur (Owner of the Vehicle
Registration No.BR06AR-8687 Pulsur Motor Cycle).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Manoj Kumar - 1

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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 A.P.P. for the State.

This is an application for grant of anticipatory bail

in connection with Patepur P.S. Case No.100 of 2017 registered

for the offence punishable under Sections 414, 120(b), 34 of the

Indian Penal Code and 30(A), 32(ii), 41(i), 47 Bihar Prohibition

of liquor & Excise Act, 2016.

The allegation is regarding recovery of 8.64 litres

of illicit liquor from a motorcycle, which is said to be belonging

to the petitioner herein.

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 of the Cr.P.C. has not been complied with while preparing the seizure list, hence the entire seizure is itself vitiated.

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 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 Additional District and Sessions Judge-II and cum Special Judge, Excise Act, Vaishali, District- Vaishali in connection with Patepur P.S. Case No.100 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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