

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24684 of 2018

Arising Out of PS.Case No. -58 Year- 2018 Thana -DUMRAUN District- BUXAR

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1. Tinku Kumar, S/o Late Lakshman Prasad, Resident of Ward No.24,
Nimage Tola, Dumaraon, P.S.- Dumaraon, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Smt. Sahin Begam

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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 Dumaraon PS case no. 58 of 2018 registered
for the offences punishable under Sections 272, 273 IPC and
30(A), 41(1) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 36 ltrs. of
illicit liquor from the possession of two persons who were
apprehended while traveling on the motorcycle of the petitioner
and the petitioner is said to have fled away.

The learned counsel for the petitioner submits that
neither any recovery has been made from the conscious possession
of the petitioner nor the provision of Section 100 of Code of



Criminal Procedure has been complied while preparing seizure list, hence the entire seizure stands vitiated. It is further submitted that the petitioner is having 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 appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, 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, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Addl. District & Sessions Judge-II-cum-Special Judge (Excise), Buxar in connection with Dumaraon PS case no. 58 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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