

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24798 of 2018**

Arising Out of PS.Case No. -27 Year- 2018 Thana -CHATOUNI District-  
EASTCHAMPARAN(MOTIHARI)

=====

1. Golu Patel S/o Late Sharmanand Prasad, R/o Vill.- Bhawanipur Zirat,  
P.S.- Chhatauni, District- East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. Sri Rajkishore Singh

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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 Chhatauni case no. 27 of 2018 registered for  
the offences punishable under Section 30(a) of Bihar Prohibition  
and Excise Act, 2016.

The allegation is regarding recovery of 69.90 ltrs. of  
illicit liquor from the room situated in the *verandah* of the house  
of one Baidnath Pd. Gupta.

The learned counsel for the petitioner submits that  
neither any recovery has been made from the conscious possession  
of the petitioner nor the said house belongs to the petitioner. It is  
further submitted that provision of Section 100 of Code of



Criminal Procedure has not 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 4<sup>th</sup> Additional Sessions Judge-cum-Special Judge (Excise), East Champaran at Motihari in connection with Chhatauni PS case no. 27 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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