

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24825 of 2018

Arising Out of PS. Case No.-26 Year-2018 Thana- KADAMKUAN District- Patna

Chandra Bhushan Kumar Chandra S/o Late Rameshwar Mahton, R/o Kazipur,
P.S.- Kadamkuan, Distt.- Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwivedy Surendra

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

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 Kadamkuan P.S. Case No. 26 of 2018 registered for the offence punishable under Sections 30/ 38 of the Bihar Prohibition of Excise Act, 2016.

The allegation is regarding recovery of 45 litres of illicit liquor from a room of the house of the petitioner, which is being occupied by a tenant.

The learned counsel for the petitioner submits that no recovery has been made from the conscious possession of the petitioner herein. It is further submitted that the provisions of Section 100 Cr.P.C. has not been complied with while preparing the seizure list, hence the seizure list itself is vitiated. Lastly, it



is submitted that the petitioner is having a clean antecedent.

Considering the nature of accusation and the fact that prima facie, no case is made out for the offences under the provisions of 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 learned Special Judge, Excise, Patna in connection with Kadamkuan P.S. Case No. 26 of 2018, 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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