

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25017 of 2018

Arising Out of PS. Case No.-392 Year-2017 Thana- PUNPUN District- Patna

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1. Amit Kumar S/o Manoj Singh
 2. Goodu Kumar S/o Manoj Singh Both are Resident of Village- Mohiuddinpur Trawana, P.S. Parsa, Bazar, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binit Kumar
		Mrs. Sandhya Kumari
		Mr. Sunil Kumar Singh
For the Opposite Party/s :		Mr. Sri S.M. Rahman

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Punpun P.S. Case No. 392 of 2017 registered for the offence punishable under Sections 30(a), 37(b) & (c) of the Bihar Excise Amendment Act 2016.

The allegation is regarding recovery of about 5 litres of illicit liquor from the house of one co-accused, Manoj Singh and about 50 litres of illicit liquor from the house of the sister-in-law of the said Manoj Singh, namely, Manju Devi. The petitioners are said to be the sons of the said co-accused, Manoj Singh.

The learned counsel for the petitioners submits that no recovery has been made from the conscious possession of the petitioners 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. It is further submitted that the petitioners are having a clean antecedent. It is further submitted that the said Manoj Singh, who is the co-accused person, has already been granted anticipatory bail by this Court.

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 petitioners herein to the privilege of anticipatory bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act Patna in connection with Punpun P.S. Case No. 392 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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