

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12537 of 2018

Arising Out of PS.Case No. -1 Year- 2018 Thana -MUFFASIL District- AURANGABAD

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1. Dara Prajapati @ Manjay Prajapati, S/o Halkrari Prajapati, R/o village
Susnar, P.S. Aurangabad (M), District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018 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 Aurangabad (Muffasil) PS case no. 01 of 2018
registered for the offences punishable under Sections 30(a), 38(1) of
Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 5.4 ltrs. of illicit
liquor from the *verandah* of the house stated to be in the joint
possession of the petitioner and his family members.

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 Section 100 of Cr.P.C. has not
been complied while seizing the said illicit liquor, hence the entire
seizure is vitiated in the eye of law. It is further submitted that the



petitioner has a 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 Additional Sessions Judge VII-cum- Special Judge (Excise), Aurangabad in connection with Aurangabad (Muffasil) PS case no. 1 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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