

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11805 of 2018

Arising Out of PS.Case No. -639 Year- 2017 Thana -BARACHATTI District- GAYA

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Balram Das, son of Late Jaggu Das, Resident of Village- Dhanawa, P.S.-
Barachatti, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Sinha

For the Opposite Party/s : Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2018 Heard the learned counsel for the petitioner and the

learned counsel for the State.

The petitioner seeks anticipatory bail in connection
with Barachatti PS case no. 639 of 2017 registered for the offences
punishable under Sections 30(a), 30(d), 38 and 47 of the Bihar
Prohibition and Excise Act.

The allegation is regarding recovery of 100 Kg of
Mahua flowers and 10 liters of Mahua wine from the house of the
petitioner.

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 the provisions of Section 100
Cr. P.C. has not been complied with, hence the seizure itself is



doubtful.

Considering the nature of accusation levelled against the petitioner herein as also the fact that prima facie no case is made out under the provisions of the Excise Act, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Gaya in connection with Barachatti PS case no. 639 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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