

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24392 of 2018

Arising Out of PS.Case No. -135 Year- 2017 Thana -GARAUL District- VAISHALI(HAJIPUR)
=====

1. Rajkishore Ray, S/o Harinandan Ray, Resident of Village- Bhataulia,
P.S.- Goraul, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.Ii

For the Opposite Party/s : Mr. Sri Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-04-2018 Heard the learned counsel for the petitioner and the learned
counsel for the State.

The petitioner seeks anticipatory bail in connection with
Goraul P.S. Case No.135 of 2017 registered for the offences
punishable under Sections 54/57 of the Bihar Prohibition and
Excise Act, 2016.

The allegation is regarding recovery of 140.4 liters of illicit
liquor from a Maize field.

The learned counsel for the petitioner submits that the said
Maize field, from where recovery has been made, does not belong
to the petitioner herein. No recovery has been made from the
conscious possession of the petitioner. It is further submitted that
the provision of Section 100 Cr.P.C. has not been complied with,



hence the seizure itself is doubtful and the petitioner is having a fair antecedent.

Considering the nature of accusation leveled 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 preset 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 Addl. Sessions Judge-II-cum-Special Judge, Excise Vaishali at Hajipur in connection with Goraul P.S. Case No.135 of 2017, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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