

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24873 of 2018

Arising Out of PS. Case No.-25 Year-2018 Thana- MAHUA District- Vaishali

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1. Niraj Kumar Son Late Bisheshwar Rai,
 2. Prem Kumar, Son of Sri Jagdish Rai,
 3. Prabhu Rai, Son of Dukhit Rai, All are Resident of Village-Madhopur, P.S.-Mahua, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Satyavarat Verma

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 Mahua P.S. Case No. 25 of 2018 registered for the offence punishable under Sections 30(a), 38(ii) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 87 litres of illicit liquor from the house of the co-accused person.

The learned counsel for the petitioners submits that neither the house belongs to the petitioners herein nor any recovery has been made from their conscious possession. 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 petitioners are 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 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 Additional Sessions Judge IInd-cum-Special Judge, Excise, Vaishali at Hajipur in connection with Mahua P.S. Case No. 25 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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