

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17001 of 2019

Arising Out of PS. Case No.-65 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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ANIL KUMAR Son of Rambabu Prasad Resident of Village - Pipra, P.S. -
Pipra, District - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Rajendra Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 25-03-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

This is an application for grant of regular bail filed on
behalf of the petitioner. Petitioner is in custody in connection
with Excise Case No. 65 of 2019 for the alleged offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

In the instant case, 30.600 liters of foreign liquor was
allegedly seized. Learned counsel representing the petitioner
submits that petitioner has no criminal antecedent. He submits
that seizure was not made in accordance with law. Nothing was
recovered from the conscious possession of the petitioner.
Petitioner is in custody since 25.01.2019.



Learned A.P.P. vehemently opposed the prayer for bail. He submits that despite total prohibition in the State, 30.600 liters of liquor was seized. He further submits that it is unfortunate that despite ban, such huge quantity of liquor was seized. However, he admits that from the materials available on record it does not appear that the seized article was sent for forensic laboratory report to conclusively make a statement that seized item was liquor.

In that situation, the Court is left with no option but to grant bail to the petitioner.

Considering the fact that petitioner has no criminal antecedent and he has remained in custody since 25.01.2019, this application is allowed.

Accordingly, let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 7th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran in connection with Excise Case No. 65 of 2019.

(Anil Kumar Upadhyay, J)

mrl./-

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