

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55825 of 2019

Arising Out of PS. Case No.-97 Year-2019 Thana- SANDESH District- Bhojpur

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SANJAY YADAV @ CHUHARI Son of Nepali Yadav Resident of Village-
Dhana, Police Station-Kanapa (Raniya Talab), District-Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 26-09-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Sandesh P.S. Case NO. 97 of 2019 (Excise case No. 964/2019), disclosing offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

According to the case of the prosecution, 20 liters of country made liquor was recovered from co-accused Jeetlal Choudhary and Munna Choudhary, who were allegedly engaged in illegal trade of liquor. They are said to have disclosed the name of the petitioner also as their accompish.

Learned counsel appearing on behalf of the petitioner has drawn my attention to the seizure list, which is part of the First Information Report to submit that it does not show recovery of seizure of any illicit liquor. He has submitted that no provision of the Excise Act can be said to be made out in the absence of any seizure of illicit liquor as reflected in the seizure list.

Considering the above mentioned submission, the Court had



directed the Superintendent of Police, Bhojpur to file his affidavit. He has filed his affidavit and he has admitted absence of description of the articles seized, in the seizure memo.

Considering the above submission, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, 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 the learned 4th Additional Sessions Judge-cum-Special Excise Act, Bhojpur, Ara in Sandesh P.S. Case No. 97 of 2019 (Excise Case No. 964 of 2019), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

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(Chakradhari Sharan Singh, J)

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