

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9094 of 2020**

Arising Out of PS. Case No.-565 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Rakesh Kumar Son of Late Baleshwar Rai Resident of Village- Jitwarpur
Nizamat, P.S.- Samastipur (Muffasil), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7
For the Opposite Party/s : Anita Kumari Singh

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 03-03-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Samastipur (Muffasil) PS case no. 565 of
2019 registered for the offences punishable under Section 30(a)
of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 360 ml of
illicit liquor from beneath the Almirah kept at the house of the
petitioner.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely
implicated in the present case and is having a clean antecedent.
It is further submitted that there is no compliance of Section 100



Cr.P.C. while preparing the seizure list, inasmuch as a copy of the same has not been handed over, atleast to the family members of the petitioner, hence the entire seizure is vitiated in the eyes of law, thus the offences as alleged, are not made out as against the petitioner herein.

Having regard to the facts and circumstances of the case, considering submissions made by the learned counsel for the petitioner as also taking into account the fact that *prima facie*, no case is made out as against the petitioner herein under the provisions of the Bihar Prohibition and Excise Act, 2016, upon a bare perusal of the FIR, as far as consideration of the present petition is concerned, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his 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, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Excise, Samastipur in connection with Samastipur (Muffasil) PS case



no. 565 of 2019 subject to the conditions as laid down under
Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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