

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9093 of 2020

Arising Out of PS. Case No.-33 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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Bhola Singh @ Dinesh Kumar Singh Son of Late Anirudh Prasad Singh
Resident of Village - Awsan Bagahi, P.S.- Mali, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha

For the Opposite Party/s : Mr.Upendra Kumar

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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.

The petitioner apprehends his arrest in connection with Excise Case No. 33 of 2020 for the offence registered under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 15 liters of illicit liquor from a hotel stated to be belonging to the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, is having a clean antecedent and has got no complicity in the matter. It is submitted that the hotel in question is being run by the staff of the petitioner and the petitioner seldom goes to the said hotel, hence admittedly there is no recovery of illicit liquor either from the conscious possession of the petitioner or while the petitioner was present



at the hotel. It is further submitted that no compliance has been made of Section 100 Cr.P.C. while preparing the seizure list, hence the entire seizure stands vitiated.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, I find that *prima facie* no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein as far as his case for grant of anticipatory bail is concerned.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad in connection with Excise Case No. 33 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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