

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85810 of 2019

Arising Out of PS. Case No.-137 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

Rajesh Mahto Son of Late Vishwanath Mahto Resident of Village - Kalyanpur
Basti, P.S.- Mohiuddinnagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-02-2020 Heard 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. 137 of 2018 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation against the petitioner is that the hut of the petitioner was searched by the excise officials and a total quantity of 11 liters of 'Tari' has been recovered by the excise official.

Learned counsel appearing on behalf of petitioner submits that petitioner has not committed any offence in the manner alleged and the 'Tari' which has allegedly been recovered from the hut of the petitioner is jointly owned by



other family members and is a joint family property. He further submits that petitioner has got no criminal antecedents and mandatory Section 100 Cr.P.C. was not followed in preparation of seizure list.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner has got no criminal antecedent and the hut from where the alleged 'Tari' has been seized belongs to a joint family, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four 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/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Excise, Samastipur in connection with Excise Case No. 137 of 2018, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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