

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22057 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
EASTCHAMPARAN(MOTIHARI)

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Ashok Sahani , Son of Late Laloo Sahani Resident of Village- Jhakhiya
Nayaka Tola , P.S. –Banjariya, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Sri Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 13-07-2017 Heard Sri Vijay Shankar Shrivastava, learned counsel
for the petitioner and Sri Madhuranand Jha, learned Additional
Public Prosecutor.

The sole petitioner, apprehending his arrest in Excise
Case No. 05 of 2017 , instituted for the offence under Section
30(a) of the Bihar Prohibition & Excise Act , 2016 has prayed for
grant of anticipatory bail primarily on the ground that in illegal
manner a search was conducted in the premises of the petitioner
and falsely recovery of 02 liter country made liquor was shown
and Police thereafter on 3.1.2017 only submitted forwarding
report along with seizure list of the seized article to the learned



Chief Judicial Magistrate , East Champaran, Motihari and this was the reason that vide order dated 05.05.2017 a Bench of this Court had summoned a report from the Chief Judicial Magistrate, East Champaran, Motihari on the point as to whether any prosecution report was submitted or not, and if prosecution report was submitted what was the reason for non supply of prosecution report to the petitioner even after filing of *chirkut*. Thereafter learned Chief Judicial Magistrate, East Champaran, Motihari sent a report dated 11th May 2017, which has been kept at flag 'A'. The report of the learned Chief Judicial Magistrate categorically indicates that till the date of report no prosecution report was submitted.

Considering the manner in which Police has conducted search and investigation and only sent forwarding report and seizure list to the learned Chief Judicial Magistrate , the Court is of the opinion that it is a fit case for extending the privilege of anticipatory bail .

Accordingly in the event of arrest or surrender within a period of six weeks from today, let the petitioner Ashok Sahani be enlarged on 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 Chief Judicial Magistrate , Motihari



East Champaran / concerned court in connection with Excise
Case No. 05 of 2017 subject to the conditions as contemplated
under section 438(2) of the Code of Criminal Procedure 1973.

(Rakesh Kumar, J)

Praful/-

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