

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25096 of 2018**

Arising Out of PS.Case No. -35 Year- 2018 Thana -PIPRAKOTHI District-  
EASTCHAMPARAN(MOTIHARI)

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Amir Baitha, Son of Bhikhar Baitha, Resident of Village -Suryapur, Police  
Station- Piprakothi, District- East Champaran.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dilip Kumar Tondon

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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

2      26-04-2018                      Heard the learned counsel for the petitioner and the  
learned APP for the State.

The petitioner seeks anticipatory bail in connection  
with Piprakothi P.S. Case No. 35 of 2018 for the offences  
punishable under Sections 272, 273 of the Indian Penal Code and  
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Allegation is regarding recovery of 1 liter of illicit  
liquor from a field.

The learned counsel for the petitioner submits that  
the said illicit liquor has not been recovered from the conscious  
possession of the petitioner. It is further submitted that the  
provisions of Section 100 of the Code of Criminal Procedure has  
not been complied with, hence the seizure itself is doubtful. It is



stated that the petitioner is having no criminal antecedent.

Considering the nature of accusation and the fact that prima facie, no case is made out under the provisions of the Excise Act, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of 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, the petitioner, above named, is directed to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned IVth Additional Sessions Judge-cum-Special Judge (Excise), Motihari, East Champaran in connection with Piprakothi P.S. Case No.35 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

**(Mohit Kumar Shah, J)**

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