

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9855 of 2018

Arising Out of PS.Case No. -177 Year- 2017 Thana -NAUHATTA District- SAHARSA

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1. Suresh Chaudhary S/o Late Singheshwar Chaudhary, R/o village-
Nauhatta , P.S.- Nauhatta & District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018 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 Nauhatta P.S. Case No. 177 of 2017 registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition & Excise Act, 2016.

The allegation is regarding recovery of 10.8 liters of illicit
liquor from the abandoned and locked house of the petitioner.

The learned counsel for the petitioner submits that neither
any recovery has been made from the conscious possession of the
petitioner nor the provisions of Section 100 Cr.P.C. has been
complied with while seizing the articles. The petitioner is said to
be having a clean 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 proper to admit the petitioner herein to the privilege of anticipatory bail, 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 on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-cum-Additional Sessions Judge-II, Saharsa in connection with Special Case No. 441 of 2017 corresponding to Nauhatta P.S. Case No. 177 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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