IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3869 of 2018

Arising Out of PS.Case No. -411 Year- 2015 Thana -GOVERNMENT OFFICIAL COMP. District-NAWADA

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1. Arun Chaudhary S/o-Bihari Chaudhary Resident of Village-Hurarahi Tola-Vajaypur, P.S.-Pakri Warawan, District-Nawada (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pramod Kumar Verma
For the Opposite Party/s : Mr. Sri Ramchandra Sahani

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2018 The learned counsel for the petitioner seeks permission to make necessary correction in the prayer of the petition.

The learned counsel for the petitioner may do so during the course of the day.

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 G.O. Case No. 411 of 2015 registered for the offence punishable under Section 47(a) of the Bihar Prohibition and Excise Amendment Act, 2016.

The allegation is regarding recovery of 100 kg. Jawa Mahua and 5 liters wine from the house of the petitioner herein.

The learned counsel for the petitioner submits that the

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petitioner was not apprehended from the spot and even if the allegation is accepted, on its face value, then also the seizure list should have been supplied at the spot to the family members of the petitioner, hence, there is no compliance of Section 100 Cr.P.C. It is further submitted that the petitioner has a clean antecedent.

Having regard to the facts and circumstances of the case, more particularly the fact that the seizure list itself appears to be doubtful, it cannot be said that a prima facie case is made out against the petitioner herein, I deem it fit and proper to enlarge the petitioner, above named, 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 anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge IInd cum Special Judge, Nawada in connection with G.O. Case No. 411 of 2015 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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