

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24847 of 2018

Arising Out of PS. Case No.-11 Year-2018 Thana- BARHARIA District- Siwan

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Tuntun Chaudhari, S/o Late Ramuna Chaudhari @ Yamuna Chaudhari, R/o
Village-Purani Bazar Barhariya, P.S.-Barhariya, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Sri Jitendra Kumar 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 A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Barhariya P.S. Case No. 11 of 2018 registered for the offence punishable under Sections 272, 273, 308/34 of the Indian Penal Code and Sections 30(A), 41(i) of the Bihar Prohibition & Excise Act, 2016.

The allegation is regarding recovery of 18.540 litres of illicit liquor from the shop of one Saral Chaudhari @ Parmeshwar Chaudhari, who disclosed the name of the petitioner herein.

The learned counsel for the petitioner submits that neither the shop belongs to the petitioner herein nor any recovery has been made from the conscious possession of the



petitioner herein. It is further submitted that the provisions of Section 100 Cr.P.C. has not been complied with while preparing the seizure list, hence the seizure list itself is vitiated.

Considering the nature of accusation and the fact that prima facie, no case is made out for the offences 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 Additional Session Judge II, Siwan in connection with Barhariya P.S. Case No. 11 of 2018, 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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