

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4259 of 2018

Arising Out of PS.Case No. -117 Year- 2017 Thana -MANSAHI District- KATIHAR

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Tala Marandi, S/o- Late Barkhu Marandi, R/o- Fulhara, Ward No- 05, P.S.-
Mansahi, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2018 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 Mansahi P.S. Case No. 117 of 2017 registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 10 liters of illicit liquor from the house of the petitioner in his absence.

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 of the Cr.P.C. has been followed, hence the entire seizure of the alleged liquor is itself doubtful. The petitioner is stated to be having a clean



antecedent. It is further submitted that no case appears to have been made out under the provisions of the Excise Act.

Having regard to the facts and circumstances of the case, more particularly 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 A.D.J.II-cum-Special Judge, Excise Act, Katihar in connection with Mansahi P.S. Case No. 117 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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