

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24230 of 2018

Arising Out of PS.Case No. -4 Year- 2018 Thana -GAUTAMBUDHNAGAR District- SIWAN

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Nagendra Tiwari S/o Late Vikarma Tiwari, R/o Vill.- Satwar, P.S.- G.B. Nagar, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-04-2018 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks anticipatory bail in connection with G.B. Nagar P.S. Case No. 04 of 2018 for the offences punishable under Sections 272, 273, 308 of the Indian Penal Code and Sections 34, 36, 38 and 40 of Bihar Prohibition and Excise Act, 2016.

Allegation is regarding recovery of 3.420 liter of illicit liquor from the bushes situated in the field, which does not belong to the petitioner herein.

The learned counsel for the petitioner submits that the said illicit liquor has not been recovered from the conscious possession of the petitioner, but from a field which does not



belong to the petitioner herein. 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.

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 2nd Additional Sessions Judge, Siwan in connection with G.B. Nagar P.S. Case No.4 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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