

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24210 of 2018

Arising Out of PS.Case No. -45 Year- 2018 Thana -SIDHWALIA District- GOPALGANJ

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Awadhesh Ram S/o Late Bishwanath Ram, R/o Vill.- Jhajhawa, P.S.-
Sidhwaliya, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Anand Kishore Choudhary

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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 Sidhwaliya P.S. Case No. 45 of 2018 for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2016.

Allegation is regarding recovery of 1.620 liter of
illicit liquor from a field situated opposite the house of the co-
accused.

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 Additional Sessions Judge-II-cum-Special Judge, Gopalganj in connection with Sidhwaliya P.S. Case No.45 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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