

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11675 of 2018

Arising Out of PS.Case No. -639 Year- 2017 Thana -BARACHATTI District- GAYA

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Sitaram Das

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Sinha

For the Opposite Party/s : Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2018 Heard the learned counsel for the petitioner and the

learned counsel for the State.

The petitioner seeks anticipatory bail in connection with Barachatti PS case no. 639 of 2017 registered for the offences punishable under Sections 30(a), 30(d), 38 and 47 of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 20 Kg Mahua flower from the house of the petitioner.

It is submitted that no recovery has been made from the conscious possession of the petitioner and the petitioner is having a fair antecedent. It is further submitted that the provision of section 100 Cr.P.C. has not been complied with, hence the entire seizure itself is doubtful.

Considering the nature of accusation levelled against



the petitioner herein as also 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.

Accordingly, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Gaya in connection with Barachatti PS case no. 639 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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