

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24724 of 2018

Arising Out of PS.Case No. -264 Year- 2017 Thana -UCHAKAGAON District- GOPALGANJ

- =====
1. Ram Sahni Son of Balister Sahni
 2. Amarnath Sahni Son of Hira Sahni Both R/o Village Barari Jagdish, P.S. Uchkagaon, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Rakesh

For the Opposite Party/s : Mr. Sri Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2018 Heard the learned counsel for the petitioners and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Uchkagaon PS case no. 264 of 2017 registered
for the offences punishable under Sections 414 of Indian Penal
Code and 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 95 ltrs. of
illicit liquor from two motorcycles and the passers-by, who were
passing by the said place of occurrence, disclosed that the said
motorcycles belonged to the petitioners.

The learned counsel for the petitioners, referring to
the submission made in the petition, has submitted that the
motorcycles do not belong to the petitioners and moreover, no



recovery has been made from the conscious possession of the petitioners. It is further submitted that the provision of Section 100 of Code of Criminal Procedure has not been complied while preparing seizure list, hence the entire seizure stands vitiated. It is further submitted that the petitioners are having clean antecedents.

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 petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their 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, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Addl. District & Sessions Judge 2nd-cum-Special Judge, Gopalganj in connection with Uchkagaon PS case no. 264 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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