

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24555 of 2018

Arising Out of PS.Case No. -453 Year- 2017 Thana -BARBIGHA District- SEKHPURA

=====

Anish Patel @ Anish Ranjan S/o Satish Kumar, R/o Vill.- Dayanatchak,
P.S.- Barbigha, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Biresh Kumar Sinha

For the Opposite Party/s : Mr. Parmeshwar Mehta

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-04-2018 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 Excise Case No. 695 of 2017 arising out of Barbigha P.S. Case No. 453 of 2017 registered for the offence punishable under Sections 272, 273, 188 and 353 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 11 bottles of English illicit liquor from outside the door of the house of the petitioner.

The learned counsel for the petitioner submits that no recovery has been made from the conscious possession of the



petitioner herein. It is further submitted that the provisions of Section 100 Cr.P.C. has not been complied with while preparing the seizure list, hence the seizure list itself is vitiated. Lastly, it is submitted that the petitioner is having a clean antecedent.

Considering the nature of accusation and the fact that prima facie no case is made out for the offences 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 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Excise Court, ADJ, Sheikhpura in connection with Excise Case No. 695 of 2017 arising out of Barbigha P.S. Case No. 453 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

