

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11609 of 2018

Arising Out of PS.Case No. -49 Year- 2018 Thana -AHIAPUR District- MUZAFFARPUR

=====

Subodh Kumar, S/o Bindeshwar Rai, Resident of Village- Nirpur Patiyasha,
P.S. Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nitu Kumari

For the Opposite Party/s : Mr. Anil Prasad Singh

=====

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 Ahiyapur PS case no. 49 of 2018 registered for the offences
punishable under Sections 272, 273 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 87 liters of
illicit liquor from the abandoned hut of the petitioner herein.

The learned counsel for the petitioner submits that
neither any recovery has been effected from the conscious
possession of the petitioner nor the petitioner has earlier been
involved in such crime and the petitioner is having a clean
antecedent. It is further submitted that the provision of Section 100



Cr. P.C. has not been complied with, hence the entire seizure list 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 2nd Addl. Sessions Judge-cum- Special Judge, Excise Act, Muzaffarpur in connection with Ahiyapur PS case no. 49 of 2018, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

BTiwary/-

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

