

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24784 of 2018

Arising Out of PS.Case No. -10 Year- 2018 Thana -DARIHAT District- SASARAM (ROHTAS)

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1. Binod Sah S/o Late Dayal Sah, R/o Vill.- Dharhara, P.S.- Darihat,
District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Sri Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2018 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 Darihat PS case no. 10 of 2018 registered for

the offences punishable under Section 30(a) of Bihar Prohibition

and Excise Act, 2016.

The allegation is regarding recovery of 8 ltrs. of

illicit liquor from the front of the door of the house of the

petitioner.

The learned counsel for the petitioner submits that

neither any recovery has been made from the conscious possession

of the petitioner nor the provision of Section 100 of Code of

Criminal Procedure has been complied while preparing seizure



list, hence the entire seizure stands vitiated. It is further submitted that the petitioner is having clean antecedent.

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, the abovenamed petitioner, in the event of his 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, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional District & Sessions Judge-cum-Special Judge (Excise), Rohtas at Sasaram in connection with Darihat PS case no. 10 of 2018 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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