

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25274 of 2018

Arising Out of PS.Case No. -74 Year- 2018 Thana -BODHGAYA District- GAYA

- =====
1. Surendra Yadav S/o Late Jagdish Yadav R/o Village - Rampur, P.S. - Bodh Gaya, District - Gaya.
 2. Ved Prakash Yadav S/o Bidrohi Yadav R/o Village Mahudar, P.S. Bodh Gaya, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Md. Sufiyan

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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 APP for the State.

The petitioners seek anticipatory bail in connection with Bodh Gaya P.S. Case No. 74 of 2018 for the offences punishable under Sections 341, 323, 504/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation, according to the informant, is that he was apprehended by the accused persons and then brought to the police station, whereafter the accused persons are said to have brought the jeep of the informant and had told the police that the illicit liquor was being carried by the informant in his jeep.

The learned counsel for the petitioners submits that a



bare perusal of the F.I.R. would show that the entire story is cooked up and not a probable incident. It is submitted that no recovery has been made from the conscious possession of the petitioners herein. It is further submitted that the provisions of Section 100 of the Code of Criminal Procedure has not been complied with, hence the seizure itself is doubtful.

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, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, the petitioners, above named, is directed to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Gaya in connection with Bodh Gaya P.S. Case No.74 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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