

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25307 of 2018

Arising Out of PS.Case No. -173 Year- 2018 Thana -SITAMARHI District- SITAMARHI

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Md. Sadik @ Md. Sadique Hashmi, son of Md. Fulgani, resident of Village-
Bhavdepur, P.S. and District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Narendra Kumar Singh

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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 APP for the State.

The petitioner seeks anticipatory bail in connection
with Sitamarhi P.S. Case No. 173 of 2018 for the offences
punishable under Section 30(A), 37(B) (C) of Bihar Prohibition
and Excise Act, 2016.

Allegation is regarding recovery of 375 ml of illicit
liquor from the possession of co-accused namely Ali Hassan who
was arrested in a drunken condition and he had upon interrogation
disclosed the name of the petitioner as his accomplice.

The learned counsel for the petitioner submits that no
recovery has been made from conscious possession of the
petitioner. 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. It is stated that the petitioner has no criminal 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, 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 petitioner, above named, is directed to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge -II -cum- Special Judge Excise, Sitamarhi in connection with Sitamarhi P.S. Case No.173 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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