

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25058 of 2018

Arising Out of PS.Case No. -299 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Munna Sahani, Son of Pukar Sahani.
 2. Brahamdeo Sahani, Son of Pipan Sahani,
 3. Shiv Pujan Sahani, Son of Jogi Sahani, All are resident of Village-
Mahuawa, Police Station- Dhaka, District- East Champaran
- Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Navin Kumar Pandey

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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 Excise Case No. 299 of 2017 for the offences punishable
under Section 30(A) of Bihar Prohibition and Excise Act, 2016.

Allegation is regarding recovery of 315 liter of illicit
liquor from the possession of co-accused person namely Lalan
Sahani who was apprehended from the spot. One motorcycle was
also apprehended from the spot, said to be belonging to the
petitioner no.3.

The learned counsel for the petitioners submits that
no recovery has been made from the conscious possession of the
petitioners and as far as the petitioner nos. 1 and 2 are concerned,
they are not having any connection with the motorcycle



recovered by the police. As far as the petitioner no.3 is concerned, the said motorcycle was recovered from the co-accused namely Lalan Sahani to whom the petitioner no.3 had given the motorcycle for some works. 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, are 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 4th Additional Sessions Judge cum Special Judge, Excise, Motihari, East Champaran in connection with Excise Case No.299 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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