

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24449 of 2018**

Arising Out of PS.Case No. -418 Year- 2017 Thana -SUGAULI District-  
EASTCHAMPARAN(MOTIHARI)

=====

1. Sulindra Sahani @ Surendra Sahani Son of Ramcharitra Sahani, Resident  
of Village-Dumri, P.S.-Sugauli, District-East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Kalyan Shankar

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      25-04-2018      Heard the learned counsel for the petitioner and the learned  
counsel for the State.

The petitioner seeks anticipatory bail in connection with  
Sugauli P.S. Case No.418 of 2017 registered for the offences  
punishable under Sections 30(a) of the Bihar Prohibition and  
Excise Act.

The allegation is regarding recovery of 2 liters of illicit  
liquor from the house of the petitioner herein and 2 liters illicit  
liquor from the house of co-accused, namely, Sant Sahani.

The learned counsel for the petitioner submits that no  
recovery has been made from the conscious possession of he  
petitioner and he could not have kept liquor in a place situated in  
the premises of his house. It is further submitted that the provision of



Section 100 Cr.P.C. has not been complied with, hence the seizure itself is doubtful and the petitioner is having a fair antecedent.

Considering the nature of accusation leveled 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 preset 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 Special Judge, Excise, Motihari, East Champaran in connection with Sugauli P.S. Case No.418 of 2017, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

Sanjeev/-

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