

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4556 of 2018

Arising Out of PS.Case No. -70 Year- 2017 Thana -CHUTIA SAHAYAK District- SASARAM
(ROHTAS)

=====

1. Anaro Devi W/o Arvind Choudhary, R/o Panduka, P.S.- Chutiya,
District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2018 Heard the learned counsel for the petitioner and the

learned APP for the State.

This is an application for grant of anticipatory bail
in connection with Chutiya PS case no. 70 of 2017 instituted for
the offences punishable under Sections 30(a)/34(a) of the Bihar
Excise and Prohibition Act, 2016.

The allegation is regarding recovery of 02 ltrs. of
illicit liquor from the house of the petitioner.

The learned counsel for the petitioner submits that
no recovery has been made from the conscious possession of the
petitioner and the said house is in joint possession of the petitioner
and her family members. It is further submitted that the seizure list
have been prepared in violation of the provisions as contained in



Section 100 of Code of Criminal procedure and the petitioner is said to be having a clean antecedent.

Having regard to the facts and circumstances of the case as also the fact that the seizure list has been prepared in violation of the provisions as contained in Section 100 of Code of Criminal procedure *prima facie*, the seizure itself is doubtful, hence no offence appears to have been made out under the provisions of the Excise Act, as such, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the petitioner, in the event of her 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 Addl. Sessions Judge-II-cum-Special Judge, Excise, Rohtas at Sasaram in connection with Chutiya PS case no. 70 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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