

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24586 of 2018

Arising Out of PS.Case No. -64 Year- 2018 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

=====

Mahendra Chaudhary S/o Late Baldeo Chaudhary, R/o Vill.- Bhitaha, P.S.-
Bairiya, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva

For the Opposite Party/s : Mr. Sakir Ahmad

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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 A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Bairiya P.S. Case No. 64 of 2018 registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 4 litres of illicit liquor from a house which is in the joint possession of several persons.

The learned counsel for the petitioner submits that several persons are living in the said house from where liquor has been recovered, hence the petitioner cannot be faulted. Nonetheless, no recovery has been made from the conscious



possession of the petitioner herein. It is further submitted that the provisions of Section 100 Cr.P.C. has not been complied with while preparing the seizure list, hence the seizure list itself is vitiated. Lastly, it is submitted that the petitioner is having a clean antecedent.

Considering the nature of accusation and the fact that prima facie no case is made out for the offences 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 court below within a period of six 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Bettiah, West Champaran in connection with Bairiya P.S. Case No. 64 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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