IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10142 of 2018

Arising Out of PS.Case No. -228 Year- 2017 Thana -KARAKAT District- SASARAM (ROHTAS)

==========

1. Ranjeet Sah @ Ranjeet Kumar son of Lalan Sah.
2. Guddu Yadav @ Guddu Singh, son of Late Tulsi Yadav. Both are Resident of Village- Sakala Bazar, P.S.- Karakat, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Rajani Kant Singh
For the Opposite Party/s : Mr. Dr. Indiwar Kumari

==========

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-02-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Karakat PS case no. 228 of 2017 registered for the offences punishable under Sections 30(a), 36 of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 18 ltrs. of illicit liquor from the house of co-accused persons namely Prabha Devi and Kamakhya Prasad and on the basis of their confessional statements, the names of the petitioners herein has transpired.

The learned counsel for the petitioners submits that neither any recovery has been made from the conscious possession of the petitioners nor the said house from where, the recovery has been made belongs to the petitioners, as such it is a clear case of false

WEB COPY

implication. It is further submitted that the provisions of Section 100 of Code of Criminal Procedure has not been complied with while seizing the illicit liquor, hence the entire seizure is vitiated. It is further submitted that as far as petitioner no. 2 is concerned, he is having clean antecedent while there is one case against the petitioner no. 1 in which he is already on bail.

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, the abovenamed petitioners, in the event of their 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, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of IInd Additional District & Sessions Judge-cum-Special Judge, Excise Rohtas at Sasaram in connection with Karakat PS case no. 228 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

U		T	

WEB COPY