

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11318 of 2018

Arising out of PS. Case No.-1 Year-2018 Thana- BIHRA District- Saharsa

Jainath Sharma, son of Late Gunai Sharma, Resident of Village-Bardhura
Bishanpur, P.S.-Bihra, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra kumar Singh

For the Opposite Party/s : Mr. ANIL KUMAR SINGH 1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2018 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 Bihra P.S. Case No. 01 of 2018 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 31.2 litres of illicit liquor from motorcycle of the petitioner being driven by the co-accused person.

The learned counsel for the petitioner submits that the recovery has not been effected from conscious possession of the petitioner. It is further submitted that the provisions of Section 100 Cr.P.C. has not been followed while preparing the seizure list. The petitioner is said to be having a clean



antecedent.

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 proper to admit the petitioner herein to the privilege of anticipatory bail, in the event of his 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 on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge, Saharsa in connection with Bihra P.S. Case No. 01 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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