

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24409 of 2018

Arising Out of PS.Case No. -79 Year- 2018 Thana -SHERGHATI District- GAYA

=====

1. Ganeshwar Saw @ Gangeshwar Saw, Son of Khedao Saw @ Kedar Sao,
Resident of Village- Goakala, P.S.- Simaria, District- Chatra, Jharkhand,
PIN- 825103.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh

For the Opposite Party/s : Mr. Sri Rajeev Nayan

=====

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 Sherghati (Dobhi) P.S. Case No.79 of 2018 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 200 liters of illicit liquor from the possession of the petitioner.

The learned counsel for the petitioner submits that the driver of the petitioner had taken away the car of the petitioner and he was not having any knowledge as to what was being carried in the car by the driver. No recovery has been made from the conscious



possession of the petitioner. 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), Gaya in connection with Sherghati (Dobhi) P.S. Case No.79 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

Sanjeev/-

U		T	
---	--	---	--

