

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24666 of 2018

Arising Out of PS.Case No. -89 Year- 2018 Thana -JAHANABAD District- JEHANABAD

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1. Nagendra Yadav, son of Devanand Prasad @ Deva Yadav, resident of
Village- Mustichak, P.S. Parasbiga, District Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2018 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 Jehanabad PS case no. 89 of 2018 registered

for the offences punishable under Sections 30 (a) of Bihar

Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 8 ltrs. of

illicit liquor from the compound of the petitioner herein.

The learned counsel for the petitioner submits that

the petitioner has made a categorical statement in the petition that

the said compound does not belong to the petitioner herein and

moreover no recovery has been made from the conscious

possession of the petitioner. It is further submitted that provision



of Section 100 of Code of Criminal Procedure has not been complied while preparing seizure list, hence the entire seizure stands vitiated.

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 petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, 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, 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, Jehanabad in connection with Jehanabad PS case no. 89 of 2018 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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