

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25173 of 2018

Arising Out of PS.Case No. -242 Year- 2018 Thana -BARACHATTI District- GAYA

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Md. Kaishar, Son of Sirazuddin @ Md. Serajuddin, resident of Village-
Gajaragadh, P.S. Barachatti, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nikhilesh Kumar

For the Opposite Party/s : Mr. Yogendra Kr. Singh(App)

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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 APP for the State.

The petitioner seeks anticipatory bail in connection
with Barachatti P.S. Case No. 242 of 2018 for the offences
punishable under Section 30(d) of Bihar Prohibition and Excise
Act, 2016.

Allegation is regarding recovery of 9 quintal of
mahua flower from a Bolero vehicle.

The learned counsel for the petitioner submits that
neither the bolero vehicle belongs to the petitioner nor any
recovery has been made from conscious possession of the
petitioner. It is further submitted that the provisions of Section 100
of the Code of Criminal Procedure has not been complied with,



hence the seizure itself is doubtful. The petitioner has no criminal 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 appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the court below within a period of four 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 bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Gaya in connection with Barachatti P.S. Case No.242 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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