

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34818 of 2018

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Tufani Sah son of Chaitu Sah, Resident of village- Kabir Tola, P.S.-
Bhawanipur, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Sri Nityanand

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 20-06-2018

Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Special Excise Case No. 453 of 2018 arising out of Bhawanipur P.S. Case No. 103 of 2018, disclosing offences under Sections 272 and 273 of the Indian Penal Code and 30(a) Bihar prohibition and Excise Act, 2016.

Learned counsel for the petitioner has submitted that the petitioner, who is of clean antecedent, is innocent and has not committed any offence. In fact, the alleged recovery of foreign liquor was made from the open land, which is evident from seizure list and the petitioner has no concern with the alleged recovery. Moreover, the petitioner has been made accused in this case on the basis of confessional statement of the co-accused. Nothing has been recovered from the conscious



possession of the petitioner. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge- cum- Special Judge (Excise), Purnea in connection with Special Excise Case No. 453 of 2018 arising out of Bhawanipur Police Station Case No. 103 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J.)

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