

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9891 of 2018

Arising Out of PS. Case No.-626 Year-2017 Thana- BARBIGHA District- Sheikhpura

Nago Mahto, Son of Munna Mahto @ Bhunna Mahto, R/o Village- Sherpar,
P.S.- Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Anjani Pd. Singh
For the Opposite Party/s : Mr. JAGDHAR PRASAD

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 Excise Case No. 835 of 2017 arising out of Barbigha P.S. Case No. 626 of 2017 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 20 litres of *Chhoba* from the house of the petitioner.

The learned counsel for the petitioner submits that the said Chhoba alleged to have recovered from the house of the petitioner does not belong to the petitioner and the petitioner was in fact was not present at the alleged place of occurrence. It is further submitted that the provisions of Section 100 Cr.P.C.



has not been followed while preparing the seizure list.

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 1st Additional District and Sessions Judge, Sheikhpura in connection with Excise Case No. 835 of 2017 arising out of Barbigaha P.S. Case No. 626 of 2017 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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