

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4260 of 2018

Arising Out of PS.Case No. -60 Year- 2017 Thana -SHERGHATI District- GAYA

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1. Rameshwar Yadav, Son of Late Doman Yadav, resident of village-
Dadpur, P.S. Magadh University, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Sri Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2018 Heard the learned counsel for the petitioner and the

learned APP for the State.

This is an application for grant of anticipatory bail

in connection with Sherghatti PS case no. 60 of 2017 instituted for

the offences punishable under Section 30(a) of the Bihar Excise

and Prohibition Act, 2016.

The allegation is regarding recovery of 40 ltrs. of

illicit liquor from the motorcycle of the petitioner.

The learned counsel for the petitioner submits that

though he is the owner and driver of the motorcycle, nonetheless

the fact is that no recovery has actually been made from the said

motorcycle which is apparent from the mode and manner of

preparation of the seizure list which has not even been signed by

the witnesses nor L.T.I. has been put by the witnesses hence, the



entire seizure list is in violation of Section 100 of Code of Criminal Procedure and non admissible as evidence. It is further submitted that the petitioner has a clean antecedent.

Having regard to the facts and circumstances of the case, more particularly, the fact that the seizure list has been prepared in violation of the provisions of Section 100 of Code of Criminal Procedure as also the fact that the seizure itself is doubtful, it is apparent that *prima facie*, no offence as alleged under the provisions of the Excise Act is made out, hence I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the 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 Special Judge, Excise Act, Gaya in connection with Sherghatti PS case no. 60 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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