

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24241 of 2018

Arising Out of PS.Case No. -654 Year- 2017 Thana -BODHGAYA District- GAYA

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Brij Mohan Prasad @ Brij Mohan Barun S/o Late Jagdish Mahato, R/o
Vill.- Mocharim, P.S.- Bodh Gaya, Distt.- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh

For the Opposite Party/s : Mr. Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-04-2018 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks anticipatory bail in connection
with Bodh Gaya P.S. Case No. 654 of 2017 for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2016.

Allegation is regarding recovery of 35 liter of *mahua*
wine and 40 Kg of *Mahua* flower from premises situated in a
village i.e. the village where the petitioner is residing.

The learned counsel for the petitioner submits that
the said Mahua liquor and Mahua flower have not been recovered
from the 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.

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 six 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 Excise, Gaya in connection with Bodh Gaya P.S. Case No.654 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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