

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24371 of 2018

Arising Out of PS.Case No. -27 Year- 2018 Thana -GORIAKOTHI District- SIWAN

=====

1. Subhash Prasad @ Subash Prasad S/o Late Shivrath Prasad, R/o Vill.-
Bhitthi, Jethish Tola, P.S.- Goraiya Kothi, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Smt Pushpa Sinha

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

The petitioner seeks anticipatory bail in connection with
Goraiya Kothi P.S. Case No.27 of 2018 registered for the offences
punishable under Sections 413 and 414 of the IPA and Sections
31(i), 41(i) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 135 liters of illicit
liquor from a bolero vehicle as also from some motorcycles.

The learned counsel for the petitioner submits that neither
the bolero nor the motorcycle belongs to the petitioner and
moreover no recovery has been made from the conscious
possession of the petitioner. It is further submitted that the
provision of Section 100 Cr.P.C. has not been complied with,



hence the seizure itself is doubtful and the petitioner is having a fair antecedent.

Considering the nature of accusation leveled against the petitioner herein as also 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.

Accordingly, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt / production of a copy of the preset order, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs.10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-IIInd-cum-Special Judge, Siwan in connection with Goraiya Kothi P.S. Case No.27 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

Sanjeev/-

U		T	
---	--	---	--

