

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11101 of 2018

Arising Out of PS.Case No. -15 Year- 2018 Thana -BIHIYA District- BHOJPUR

=====

Ashok Shah, Son of Late Keshari Shah, resident of Village- Kharauni, P.S.-
Bihiya, District- Bhojpur, Ara.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shivanand Singh

For the Opposite Party/s : Mr. S. Ehteshamuddin

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2018 Heard the learned counsel for the petitioner and the

learned counsel for the State.

The petitioner seeks anticipatory bail in connection
with Bihiya PS case no. 15 of 2018 registered for the offences
punishable under Sections 272/273 of the Indian Penal Code and
Section 30(A) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 3.600 liters of
illicit liquor from the periphery of the house of the petitioner.

The learned counsel for the petitioner submits that no recovery
has been effected from the possession of the petitioner and moreover
involvement of the petitioner in recovery of illicit liquor is ruled out in
view of the fact that recovery has been effected from the periphery
of the house of the petitioner. It is further submitted that the provision of



Section 100 Cr. P.C. has not been complied with while preparing seizure list and hence the seizure itself is doubtful and the petitioner is having a clean antecedent.

Considering the nature of accusation levelled 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 present 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Bihiya PS case no. 15 of 2018, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

BTiwary/-

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

