

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10804 of 2018

Arising Out of PS.Case No. -323 Year- 2017 Thana -BARACHATTI District- GAYA

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Nanhku Yadav S/o Late Raghuni Yadav, R/o Village- Masaundhi, P.S.
(Mohanpur), Barachatti, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjum Perveen

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

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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 Barachatti (Mohanpur) PS case no. 323 of 2017 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 40 liters of illicit liquor kept in two plastic jar lying near the motorcycle of the petitioner.

The learned counsel for the petitioner submits that neither any recovery has been effected from the person of the petitioner nor from the body of the motorcycle, hence the



petitioner cannot be connected with the recovery since the said bag does not belong to him. It is stated that 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 C.J.M., Gaya in connection with Barachatti (Mohanpur) PS case no. 323 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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