

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24774 of 2018

Arising Out of PS.Case No. -300 Year- 2017 Thana -ARA MUFFSIL District- BHOJPUR

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1. Shivjee Yadav S/o Angarahit Yadav, r/o Vill.- Ishari, Pipara and Manni Rai Ka Tola, P.S.- Muffasil , Distt.- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2018

Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Ara (M) PS case no. 300 of 2017 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 177 ltrs. of illicit liquor from the possession of the three co-accused persons who, upon being apprehended, had disclosed the name of the petitioner as the person who had fled away.

The learned counsel for the petitioner submits that neither any recovery has been made from the conscious possession of the petitioner nor the provision of Section 100 of Code of



Criminal Procedure has been complied while preparing seizure list, hence the entire seizure stands vitiated. It is further submitted that the co-accused persons have already been granted regular bail by an order dated 13.03.2018 passed in Cr. Misc. no.14544 of 2018.

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, the abovenamed 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 A.D.J.-IV (Special Court) Ara, Bhojpur in connection with Ara (M) PS case no. 300 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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