

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25052 of 2018

Arising Out of PS. Case No.-190 Year-2017 Thana- CHAUSA District- Madhepura

Sikendra Yadav, Son of Late Bhagwan Yadav, Resident of Village- Dhuriya,
Police Station- Chousa, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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 Chousa P.S. Case No. 190 of 2017 registered for the offence punishable under Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 5 litres of illicit liquor from the accused persons, who were arrested from the spot and thereafter, they are said to have disclosed the name of the petitioner herein as their accomplice.

The learned counsel for the petitioner submits that no recovery has been made from the conscious possession of the petitioner herein. It is further submitted that the provisions of Section 100 Cr.P.C. has not been complied with while preparing



the seizure list, hence the seizure list itself is vitiated. Lastly, it is submitted that the petitioner is having a clean antecedent.

Considering the nature of accusation and the fact that prima facie, no case is made out for the offences under the provisions of the Excise Act, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, 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 on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Udakishunganj, Madhepura in connection with Chousa P.S. Case No. 190 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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