

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73575 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- NAUTAN District- Siwan

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KANHAIYA SAH S/O MAHAJAN SAH P.S. NAUTAN, DISTRICT-
SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 05-03-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Nautan P.S. Case No. 177 of 2023 dated 03.09.2023 registered under Section 30(a) of the Bihar Prohibition and Excise Act 2016.

3. As per the prosecution story the Police on the basis of secret information reached near the hut of Kanhaiya Sah (petitioner) and recovered a total quantity of 54 liters of country made liquor, however, Kanhaiya Sah succeeded in fleeing away.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case at the instance of his enemies due to village politics. No illicit liquor has been recovered from the conscious possession of the petitioner and / or premises belonging to him. The illicit liquor in question has been recovered near the hut of the petitioner which is an open



space accessible to all and sundry. The Police party did not follow the procedures of search and seizure prescribed under Section 100 Cr.P.C. The petitioner has got no criminal antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor in question has not been recovered from the conscious possession and / or premises belong to the petitioner and the same has been recovered from an open space accessible to all and sundry and the petitioner has got no criminal antecedent, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, Excise Court No. II, Siwan in connection with Nautan P.S. Case No. 177 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

praful/-

(Anil Kumar Sinha, J)

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