

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52502 of 2018

Arising Out of PS.Case No. -82 Year- 2018 Thana -MAHESI District- EASTCHAMPARAN
(MOTIHARI)

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Umesh Chaudhary Son of Ram Vilash Chaudhary Resident of Village-
Mehsi, Police Station- Mehsi, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4. 28-09-2018

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Mehsi P.S. Case No. 82/2018 registered for
the offence punishable under Sections 30(a), 37(a) & 38 of Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that on
information received the police party went to search the house of
one Mukhlal Mahto who escaped but then the police entered into
the house of this petitioner and allegedly recovered six liters of
kinwit Tari in the Plastic Mug and four Glasses.

Learned counsel for the petitioner submits that the
petitioner has been falsely involved in this case as the seizure list
itself has not been prepared in compliance of Section 100 Cr.P.C.
which is mandatory in nature. There is no sign either of the
petitioner nor family member of the petitioner in the seizure list.

It is further submitted that the petitioner has got no
criminal antecedent.



On the other hand, learned Additional Public Prosecutor for the State submits that the petitioner is involved in sale of Tari, and as per order of the learned Sessions Judge, this petitioner is an accused in Mehsi P.S. Case No. 67/2017.

Considering the facts and circumstances of the case this court while directing the release of the petitioner on bail on bail on furnishing bail bond of Rs. 50,000/- (Rupees fifty thousand only) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge cum Special Judge (Excise), East Champaran, Motihari, in connection with Mehsi P.S. Case No. 82/2018, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure, would also direct the learned court below to verify as to whether the petitioner is an accused in Mehsi P.S. Case No. 67/2017, and in case, it is found that he is an accused in the said case, the release order shall be issued only after he obtains bail in the previous case.

This application is allowed in terms stated hereinabove.

(Rajeev Ranjan Prasad, J)

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