

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73809 of 2018

Arising Out of PS. Case No.-123 Year-2018 Thana- HALSI District- Lakhisarai

Arvind Choudhary, Son of Nagina Chaudhari, Resident of Village-Gerua
Parsanda,P.S. Halsi,Distt.-Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar
For the Opposite Party/s : Mr. Smt. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-12-2018 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with Halsi (Ramgarh Chowk) PS Case No. 123/2018 for the alleged offence under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 32(2), 38(i) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel representing the petitioner submits that the petitioner has no criminal antecedent. Petitioner is only the owner of the motor cycle which was seized while carrying 9 liters of mahua wine. He submits that allegation of carrying mahua wine is against co-accused Chandan Kumar Choudhary. He also submits that while preparing the seizure list no independent witness was present as per the mandatory requirement of Section 100(7) Cr.P.C.



Considering that the petitioner has no criminal antecedent as also the fact that 9 litres of wine was not recovered from the physical possession of the petitioner, this application is allowed.

In the event of arrest or surrender before the concerned court below within a period of one month from today, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District Judge II-cum-Special Judge (Excise), Lakhisarai in connection with Halsi (Ramgarh Chowk) PS Case No. 123/2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure

(Anil Kumar Upadhyay, J)

mrl./-

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