

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33901 of 2019

Arising Out of PS. Case No.-113 Year-2019 Thana- MAHUA District- Vaishali

1. SHIVCHANDRA RAI, aged 58 years, Male, Son of Dhanottar Ray Resident of Village - Mahua Ram Rai, P.S.- Mahua, District- Vaishali
2. Rahul Kumar @ Kallum, aged 19 years, Male, Son of Shivchandra Rai Resident of Village - Mahua Ram Rai, P.S.- Mahua, District- Vaishali
3. Bachchu Kumar @ Birchand Kumar @ Virchandra Kumar, aged 21 years, Male, Son of Shivchandra Rai Resident of Village - Mahua Ram Rai, P.S.- Mahua, District- Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Rina Sinha, Advocate
For the Opposite Party	:	Asha Devi, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-05-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Petitioners apprehend arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Amendment Act, 2016.

There is allegation of recovery of 768.250 liters of foreign liquor from the hut of the petitioners.

Learned counsel for the petitioners submits that the petitioners have no criminal antecedent and their names have been roped in the case merely on the statements of villagers whose names have not been disclosed by the police. Provisions of section 100 of the Cr.P.C. have not been followed in the



alleged search and recovery. Petitioner's counsel contends that recovery has been made from a hut which does not belong to the petitioners.

Considering the facts of the case, let all the three petitioners, above named, in the event of their arrest/surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II cum Special Judge, Excise, Vaishali at Hajipur/Court in seisin of Mahua Police Station Case No. 113 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully co-operate with the investigation and trial of the case, failing which the Court below shall be at liberty to cancel the bail bond of the petitioners.

(Prabhat Kumar Singh, J)

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