

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33517 of 2019

Arising Out of PS. Case No.-212 Year-2018 Thana- SANGRAMPUR District- East
Champaran

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1. Nageshwar Yadav Son of Ramnath Yadav Resident of Village - Indragachi, P.S.- Sangrampur, Dist.- East Champaran.
 2. Sanoj Yadav Son of Negi Yadav Resident of Village - Indragachi, P.S.- Sangrampur, Dist.- East Champaran.
 3. Manoj Mahto Son of Kedar Mahto Resident of Village - Madhubani Kharwa Tola, P.S.- Sangrampur, Dist.- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners :Mr.Umesh Chandra Verma, Advocate

For the Opposite Party :Mr.Damodar Prasad Tiwar, Addl Public Prosecutor y

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 31-07-2019 Heard learned counsel for the petitioners as well as
learned counsel for the State.

Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 272/273 of the Indian Penal Code and Sections 30(a) & 41(1) of the Bihar Prohibition and Excise Act, 2016.

There is allegation of recovery of 3456 liters of foreign liquor from a truck. One co-accused Md. Arif who was arrested on the spot, disclosed name of the petitioners and others who are alleged to be engaged in this business and fled away at the time of raid.

Learned counsel for the petitioners submits that the petitioners are neither owner of the truck nor the driver of the said vehicle. They are not concerned with the seized liquor and nothing has been recovered from their possession and they have got no criminal antecedent. The mandatory provision under



Section 100 Cr.P.C. has not been followed at the time of seizure. Similarly situated co-accused Naseem and Naushad have already been allowed anticipatory bail by this Court vide order dated 28.3.2019, passed in Cr.Mis.No. 17035 of 2019.

Considering the facts of the case, let the petitioners, above named, in the event of 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 learned Additional Sessions Judge VII cum Special Judge Excise Act, Motihari, East Champaran in Sangrampur Police Station Case No. 212 of 2018, 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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