

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34762 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- SAHEBPUR KAMAL District- Begusarai

1. SUBHASH YADAV S/O Ugrasen Prasad Yadav Resident of Village- Raghunathpur, P.S.- Sahebpur Kamal, District- Begusarai, PIN-851217.
2. Bablu Ray S/O Shiv Shankar Ray Resident of Village- Raghunathpur, P.S.- Sahebpur Kamal, District- Begusarai, PIN-851217.
3. Gyan Yadav @ Gyanchand Kumar S/O Late Kapildev Yadav Resident of Village- Raghunathpur, P.S.- Sahebpur Kamal, District- Begusarai, PIN-851217.

... .. Petitioners

Versus

THE STATE OF BIHAR

.. Opposite Party

Appearance :

For the Petitioners : Mr.Ranjit Jha, Advocate

For the Opposite Party : Mr.Amarendra Prasad, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-05-2019 Heard learned counsel for the petitioners as well as
learned counsel for the State.

Petitioners apprehend arrest in a case registered for
the offences punishable under Section 30(a)/32 of the Bihar
Prohibition and Excise Act, 2016.

There is allegation of recovery of 238.320 liters of
foreign liquor from the house of co-accused Vinit Chandan and
name of the petitioners have come in the instant case on the
identification made by co-villagers.

Learned counsel for the petitioners submits that the
petitioners have no criminal antecedent. They are neither the
owner of the house in question nor the liquor has been



recovered from their conscious possession. Provision of section 100 of the Cr.P.C. has not been followed in course of search and seizure in question.

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/- each (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise, cum Additional Sessions Judge II, Begusarai in Sahebpur Kamal Police Station Case No. 16 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)

Shashi

U		T	
---	--	---	--

