

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32206 of 2019

Arising Out of PS. Case No.-147 Year-2019 Thana- TURKAULIYA District- East
Champaran

Shahbudin Dewan S/o Salim Dewan Resident of Jhakhiya Chowk, P.S.-
Banjariya, Distt.- East Champaran Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Dhannjay Kumar No 2, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-07-2019 Heard learned counsel for the petitioner as well as

learned counsel for the State.

Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 272 and 273/34 of the
Indian Penal Code and Section 30(a) ad 41(i) of the Bihar
Prohibition and Excise Act, 2016.

Prosecution's case in short is that 2304 liters of spirit
has been recovered from a pick up van and petitioner's name
has surfaced in the confessional statement of co-accused
Upendra Rai who was apprehended at the spot.

Learned counsel for the petitioner submits that the
petitioner is neither the owner of the vehicle nor the aforesaid
quantity of spirit has been recovered from his conscious
possession. Provision of section 100 of the Cr.P.C. has not been
followed in course of search and seizure in question. Petitioner



has got no criminal antecedent.

Considering the facts of the case, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise, Motihari, East Champaran in Turkauliya(Raghunathpur) Police Station Case No. 147 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner 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 petitioner.

(Prabhat Kumar Singh, J)

Shashi

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

