

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33560 of 2019**

Arising Out of PS. Case No.-29 Year-2019 Thana- MAHINDWARA District- Sitamarhi

Chandan Kumar @ Chandan Sah Son of Late Umesh Sah @ Late Umesh Prasad Resident of Village-Olipur Sarhatia, P.S.-Mahindwara, District-Sitamarhi. ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Dinesh Jha, Advocate

For the Opposite Party : Mr.Mukesh Kumar Singh, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 31-07-2019 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

There is allegation of recovery of 78.8000 liters of foreign liquor from the open field of the village. One co-accused Kamlesh Kumar, who was arrested on spot disclosed name of the petitioner and others as his associates.

Learned counsel for the petitioner submits that the petitioner is not concerned with the seized liquor and nothing has been recovered from his possession and he has 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 has already been allowed



anticipatory bail by this Court vide order dated 13.5.2019, passed in Cr.Mis.No. 31313 of 2019.

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 learned Additional Sessions Judge II cum Special Judge Excise Act, Sitamarhi in Mahindwara Police Station Case No. 29 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)

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