

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34281 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- KHAGAUL District- Patna

Shatrudhan Prasad @ Shaturdhan Kumar, aged about 30 years (Male), S/o
Khurkhur Prasad Resident of Chhoti Baldalpura, P.S.- Khagaul, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, A.P.P.

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.

Petitioner apprehends arrest in a case registered for
the offences punishable under Section 30(a) of the Bihar
Madhya Nisedh and Excise Amendment Act, 2018.

There is allegation of recovery of 11 liters of foreign
liquor from three motorcycles, which were parked in front of the
house of the petitioner, whereas 2.88 litres of foreign liquor has
been seized from the house of the petitioner.

Learned counsel for the petitioner submits that the
petitioner is not concerned with the seized liquor and the house
in question is joint possession of all the family members and
there is no recovery from the conscious possession of the



petitioner and he has no criminal antecedent. The mandatory provision under Section 100 Cr.P.C. has not been followed at the time of seizure.

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 Special Judge Excise Act, Patna in Special Case No. 3368 of 2019 (arising out of Khagaul P.S. Case No. 81 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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