

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34830 of 2019

Arising Out of PS. Case No.-64 Year-2019 Thana- GOH District- Aurangabad

SONU BIND S/o Pradeep Bind Resident of village Rajapur P.S. Goha,
District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-05-2019 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 Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Prosecution case in short is that 5 liters of Mahua
liquor has been recovered from Mahavir Asthan of village
Rajapur. Petitioner has been named by the co-accused who was
arrested on the spot.

Learned counsel for the petitioner submits that the
petitioner has no criminal antecedent. He submits that the
recovery is from a public place and not from petitioner's
physical 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 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 Additional Sessions Judge VII cum Special Judge, Excise, Aurangabad in Goh Police Station Case No. 64 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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