

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34768 of 2019

Arising Out of PS. Case No.-133 Year-2019 Thana- CIVIL LINE District- Gaya

SHIV RABBANI @ SHIV KUMAR @ SHIV RAMANI Son of Late Suresh Prasad @ Kamta Prasad Resident of Village - Surkhi Mil Bairagi Devi Asthan, P.S.- Delha, Distt - Gaya.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Manish Kumar No2, Advocate
For the Opposite Party : Mrs.Veena Rani Prasad, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-05-2019 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 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016.

Prosecution case in short is that 340 liters of country made liquor has been recovered from Scorpio vehicle. Two persons, namely, Akash Kumar and Pappu Kumar, sitting in the said vehicle were arrested on the spot, who confessed that on the instruction of this petitioner they were going to drop the said liquor to the house of another co-accused Aman Paswan of village Khurkhura, Delha.



Learned counsel for the petitioner submits that the petitioner has no criminal antecedent. He is neither the owner of the vehicle nor the liquor 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.

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, Gaya in Civil Lines Police Station Case No. 133 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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