

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34615 of 2019**

Arising Out of PS. Case No.-29 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.  
District- Khagaria

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Moti Thakur Son of Late Ram Bali Thakur Resident of Village - Bhagat Tola  
Ward No.13, Mathurapur, P.S.- Town, Dist.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Mrityunjay Kumar  
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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**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 Section 30(a) of the Bihar  
Prohibition and Excise Act, 2016.

There is allegation of recovery of 4.14 litres of wine  
from the abandoned hut of the petitioner.

Learned counsel for the petitioner submits that the  
petitioner has no criminal antecedent and the hut in question is  
situated far away from the house of the petitioner. Provisions of  
section 100 of the Cr.P.C. have not been followed in the alleged  
search and recovery. Petitioner's counsel contends that nothing  
has been recovered from the possession of the petitioner nor the



hut in question belongs to the petitioner.

Considering the fact 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 Addl. District and Sessions Judge-II-cum- Special Judge, Excise, Khagaria in connection with Case No. 29C 3 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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