

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34222 of 2019

Arising Out of PS. Case No.-233 Year-2018 Thana- MOHAMMADPUR District- Gopalganj

SHIVJEE RAI @ SHIV KUMAR, aged about 34 years, Male, son of Hari Kishor Rai, resident of village Mahana, Police Station Bhagawanpur Bhagwanpur Hat, District Siwan ... Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Kumar Binode Bariar, Advocate

For the Opposite Party : Mr.Md. Nazir Ansari, Addl Public Prosecutor

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 Sections 30(A), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

Prosecution's case is that 90 liters of foreign liquor was seized from the Scorpio vehicle which was driven by the petitioner at the relevant time.

Learned counsel for the petitioner seriously disputes the recovery which has not been conducted as per the provisions of section 100 of the Cr.P.C. He contends that the petitioner's name has been taken by the owner of the vehicle who is co-accused in this case and apprehended by police on spot. Petitioner has no concern with the seized liquor. It is submitted that petitioner has never been driver of the vehicle and has been falsely implicated in this case by co-accused Ajay Rai because



in last panchayat election, wife of both Ajay Rai and petitioner fought election for the post of Mukhia.

Considering the facts of the case, let the petitioner, above named, in the event of 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- II-cum Special Judge, Excise, Gopalganj/Court in seisin of Mohammadpur Police Station Case No. 233 of 2018, 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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