

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34844 of 2019**

Arising Out of PS. Case No.-114 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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RAJU MUKHIYA Son of Krishna Mukhiya Resident of Village - Hasuaha,
P.S.- Motihari, Muffasil, Distt - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Lalan Kumar

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**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 272 and 273/34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

Prosecution case in short is that 175 liters of country
made liquor has been recovered from Sisam field of Jodha
Mukhia. Petitioner was identified by the villagers as the person
fleeing away from the spot.

Learned counsel for the petitioner submits that the
petitioner has no criminal antecedent. He is neither the owner of
the field 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 Additional Sessions Judge IX cum Special Judge Excise Act, East Champaran, Motihari in Mufassil Police Station Case No. 114 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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