

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35538 of 2019

Arising Out of P.S. Case No.-170 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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DILIP YADAV, aged about 30 years, male, S/o Kailash Yadav R/o village-
Kharhari, Mufassil, P.S.- Mufassil, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh, Advocate
For the Opposite Party : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 30(A) and 30(b)(c)(ga) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that 25 liters of country made wine including Mahua were recovered from the side of river. Accused Mahendra Yadav was arrested at the spot and he disclosed the name of this petitioner who fled away from the place of occurrence at the time of raid.

It is submitted on behalf of the petitioner that nothing has been recovered from the possession of the petitioner. Petitioner has got no criminal antecedent. It is also submitted



that provision of Section 100 of the Cr.P.C. has not been followed in search and seizure in question. It is also submitted that save and except the confessional statement of co-accused Mahendra Yadav, there is no other material against this petitioner.

Considering the facts aforesaid, let the petitioner above named, in the event of his arrest or 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 bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Gaya/successor Court in connection with Excise P.S.Case No.170 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Prabhat Kumar Singh, J)

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