

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44363 of 2019

Arising Out of PS. Case No.-144 Year-2019 Thana- MAIRWAN District- Siwan

Aftab Hussain Son of Hakik Hussain Resident of village- Panjawar, P.S.-
Raghunathpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv
For the Opposite Party/s : Mr.Navin Kr. Pandey,APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-07-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is in custody in connection with Mairwa
P.S. Case No. 144 of 2019 for the offence under sections 30(a)
38(i) and 41(i) of Bihar Prohibition and Excise Act

Learned counsel for the petitioner would submit that
petitioner has no criminal antecedent.

It is alleged that petitioner was liner. In the instant
case total 4120.200 liters of english wine was seized from the
truck.

Learned counsel for the petitioner submits that
recovery was made from the truck and petitioner has no concern
with the truck loaded with liquor. He further submits that
mandatory provision of section 100 Cr.P.C. was not followed in



preparation of seizure list. The petitioner is in custody since 12.6.2019.

Considering the fact that petitioner has no criminal antecedent and nothing was recovered from his conscious possession, the Court is inclined to grant bail to the petitioner, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 2nd, Siwan, in connection with Mairwa P.S. Case No. 144 of 2019 subject to the condition that both the bailors should be elected representative of the local body.

(Anil Kumar Upadhyay, J)

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