

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82592 of 2019

Arising Out of PS. Case No.-134 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Natho Mahto Son of Late Mukund Mahto Resident of Village-Chakwa, P.S.-
Khodawandpur, District-Begusarai. ... Petitioner

Versus

The State Of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr.Arjun Prasad, Advocate

For the Opposite Party : Mr.Ajay Kumar No. 2, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-12-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Petitioner is an accused in a case registered for the
offence punishable under section 30a of the Bihar Prohibition
and Excise Act, 2016.

A good quantity of Foreign liquor kept in cartoon was
recovered from pick up van which was being driven by the
petitioner.

Learned counsel for the petitioner submits that the
petitioner has got no criminal antecedent and he is neither the
owner of the van nor the driver of the said van and in fact he has
not been arrested at the spot. Mandatory provisions of section
100 Cr.P.C. has not been followed for search and seizure.
Petitioner is in custody since 13.11.2019, though nothing
incriminating has been recovered from his conscious possession.

In view of the facts and circumstances of the case,
prayer for bail of the petitioner is allowed. Let the petitioner,
mentioned above, 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, Begusarai in Cheria Bariyarpur Police Station Case No. 134 of 2019, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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