

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 1736 of 2020

Arising Out of PS. Case No.-787 Year-2019 Thana- BUXAR District- Buxar

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AMIT CHOUBEY Son of Kamlesh Choubey Resident of Village - Civil Line
Buxar (Near the field at Bhumihaar School), P.S.- Buxar (T), District- Buxar
... .. Petitioner

Versus

The State of Bihar ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-02-2020 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) of the Bihar
Prohibition and Excise Act, 2016.

There is allegation of recovery of about 216 liters of
foreign liquor from a car.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case. He is not the
owner of the car and he is no way concerned with the recovery,
as the same has not been recovered from his conscious
possession. Petitioner has got no criminal antecedent. The
mandatory provision under Section 100 Cr.P.C. has not been
followed at the time of seizure.

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) each with two sureties of the like
amount each to the satisfaction of the learned Additional



Sessions Judge II, cum Special Judge Excise Act Buxar in Buxar Town Police Station Case No. 787/2019, 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 on 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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