

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 3982 of 2020

Arising Out of PS. Case No.-799 Year-2019 Thana- HAJIPUR District- Vaishali

Rahul Singh @ Tinku Son of Ramadhar Singh Resident of Village - Adalwari,
P.S.- Hajipur, Distt - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Ms.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-03-2020

Heard learned counsel for the parties.

The petitioner apprehends his arrest in Hajipur Town
P.S. Case No. 799 of 2019 registered for the offence under
Sections 30(a), 37(d) of Bihar Prohibition and Excise Act, 2016.

As per F.I.R., 100 ml. of foreign liquor is said to have
recovered from a hotel namely '*Ananya Meat – Paratha and
Snacks*' and petitioner is said to be owner of the hotel.

It is submitted on behalf of petitioner that petitioner
has falsely been implicated in this case and nothing has been
recovered from his conscious possession. It is further submitted
that one of the customer had brought the said liquor for his
consumption, which was without knowledge of the petitioner
and since petitioner is owner of the hotel, he has falsely been
implicated. Mandatory provision under Section 100 Cr.P.C. has



not been followed with respect to search and seizure. Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of his arrest/surrender within a period of six weeks from today, let the above named petitioner 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 Sessions Judge II cum Excise court, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 799 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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