

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4143 of 2020

Arising Out of PS. Case No.-87 Year-2019 Thana- PARAIYA District- Gaya

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BANTI KUMAR S/o Upendra Prasad R/o village- Manoharpur, P.S.- Koch,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Ramchandra Sahn

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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 Paraiya P.S.
Case No.87 of 2019 registered for the offence under Sections
30A and 30D of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 200 litres of mahua liquor
and 100kg of mahua flower are said to have recovered from two
vehicles.

Learned counsel for the petitioner submits that nothing
has been recovered from the possession of petitioner. The name
of the petitioner surfaced in this case due to confessional
statement of co-accused. It is submitted that petitioner is neither
driver nor owner of the vehicles in question. Petitioner has no
concern with the course of recovery. Mandatory provisions
under Section 100 Cr.P.C has not been followed with



regard to seize and Seizure. Petitioner has clean antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge – Excise Act, Gaya in connection with Paraiya P.S. Case No.87 of 2019, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Prabhat Kumar Singh, J)

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