

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4327 of 2020

Arising Out of PS. Case No.-329 Year-2019 Thana- PANCHRUKHI District- Siwan

1. Om Prakash Singh Son of Ram Yash Singh Resident of Village-
Chaumukha, P.S.- Pachrukhi, District- Siwan.
2. Gautam Chaudhari Son of Late Chhathu Pasi Resident of Village-
Chaumukha, P.S.- Pachrukhi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 03-03-2020 Heard learned counsel for the parties.

The petitioners apprehend their arrest in Pachrukhi
P.S. Case No. 329 of 2019 registered for the offence under
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per F.I.R., 2211.84 liters of foreign liquor has been
recovered from the house of co-accused Uma Singh.

It is submitted on behalf of petitioners that petitioners
have falsely been implicated in this case and nothing has been
recovered from their conscious possession. It is further
submitted that alleged recovery has been made from the house
of co-accused, but only on suspicion, the petitioners have also
been made accused. Mandatory provision under Section 100



Cr.P.C. has not been followed with respect to search and seizure.

Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of their arrest/surrender within a period of six weeks from today, let the above named petitioners 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 2nd Additional District & Sessions Judge cum Special Judge, Excise, Siwan in connection with Pachrukhil P.S. Case No. 329 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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