

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3967 of 2020

Arising Out of PS. Case No.-68 Year-2019 Thana- BALTHAR District- West Champaran

Mafud Shekh Son of Imthar Alam @ Intehar Shekh @ Sk. Inthar Resident of
Village- Murli Parsauni, P.S.- Balthar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7
For the Opposite Party/s : Mr.Meena Singh

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 Balthar P.S.
Case No. 68 of 2019 registered for the offence under Section
414 of the Indian Penal Code and Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

As per F.I.R., 6.6 liters of *Nepali* liquor is said to have
recovered from a motorcycle.

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 petitioner is neither owner nor driver of the motorcycle in
question. The seized liquor also does not belong to petitioner.
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 Special Judge, Excise, Bettiah, West Champaran in connection with Balthar P.S. Case No. 68 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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