

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13317 of 2020**

Arising Out of PS. Case No.-419 Year-2019 Thana- BARAULI District- Gopalganj

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Jai Shankar Tiwary @ Jai Shankar Kumar Tiwary @ Parmendra Tiwary Son
of Dharm Nath Tiwari Resident of Village - Bharkuriya Barauli, Ward No. 8,
P.S.- Barauli, Distt - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Narsingh Tanti

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 05-03-2020

Heard learned counsel for the parties.

The petitioner apprehends his arrest in Barauli P.S.

Case No. 419 of 2019 registered for the offence under Sections
37(B) and 30(a) of Bihar Prohibition and Excise Act, 2016.

28.8 liters of foreign liquor is said to have
recovered from a motorcycle.

It is submitted on behalf of petitioner that petitioner
has falsely been implicated and nothing has been recovered
from his conscious possession. Petitioner is neither owner of the
motorcycle in question nor he has got any concern with the
seized liquor. It is further submitted that mandatory provision of
Section 100 Cr.P.C. has not been followed with respect to search
and seizure. There is no allegation of tampering with the



evidence against the petitioner.

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 IInd Additional District & Sessions Judge cum Special Judge Excise Gopalganj in connection with Barauli P.S. Case No. 419 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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