

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13462 of 2020

Arising Out of PS. Case No.-544 Year-2019 Thana- BRAHMPUR District- Buxar

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Rajesh Kumar @ Rajesh Yadav @ Chayee @ Rajesh Kumar Yadav S/o
Goverdhan Yadav @ Choubey Yadav Resident of Village - Mahuar, P.S.
Brahmpur (Nainizor), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta

For the Opposite Party/s : Ms.Pushpa Sinha.1

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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 Brahmpur (Nainizor) P.S. Case No. 544 of 2019 registered for the offence under Sections 272, 273, 290/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

7.920 liters of foreign liquor is said to have recovered from the house of co-accused Goverdhan Yadav @ Choubey Yadav, who is father of the petitioner.

It is submitted on behalf of petitioner that petitioner has falsely been implicated and nothing has been recovered from his conscious possession. Petitioner is named in the case only on the basis of confession of co-accused Goverdhan Yadav,



whereas he has got no 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. Petitioner has clean 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 2nd cum Special Judge, Excise Act, Buxar in connection with Brahmpur (Nainizor) P.S. Case No. 544 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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