

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13727 of 2020**

Arising Out of PS. Case No.-190 Year-2019 Thana- GOPALPUR District- Gopalganj

Dhrup Mushar Son of Late Ujaran Mushar Resident of Village- Natwa
Mushari Tola, P.S.- Gopalpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Mr.Yogendra Kumar Singh

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

2 06-03-2020 Heard learned counsel for the parties.

The petitioner apprehends his arrest in Gopalpur P.S.

Case No. 190 of 2019 registered for the offence under Sections
272, 273 & 420 of the Indian Penal Code and Sections 30(a),
35, 38 of Bihar Prohibition and Excise Act, 2016.

25 liters of foreign liquor is said to have recovered
from the motorcycle, which was standing at the road side near
the house of the petitioner.

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 of the motorcycle in question nor
he has got any concern with the seized liquor. Mandatory
provision of Section 100 Cr.P.C. has not been followed with



respect to search and seizure. There is no allegation against the petitioner of tampering with the evidence. 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 A.D.J.-II cum Special Judge, Excise, Gopalganj in connection with Gopalpur P.S. Case No. 190 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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