

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13314 of 2020

Arising Out of PS. Case No.-171 Year-2019 Thana- PURAINI District- Madhepura

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Rahul Kumar Sah S/o Umesh Sah Resident of Village- Jiwachhpur, P.S.-
Madhepura (Bharrahi O.P.), District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Raj Kishore Singh

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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 Purani P.S.
Case No. 171 of 2019, corresponding to Excise Act Case No.
1042 of 2019 registered for the offence under Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

In this case, recovery of 1862 liters of wine and
240 water bottles from a pick-up van.

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 has been named in this case on the basis of
confessional statement of co-accused Sonu Kumar and Pankaj
Kumar, who were apprehended on the spot. Petitioner is neither
owner of the pick-up van nor he has got any connection with the



seized liquor/water bottles. It is also submitted that in this case, mandatory provision under 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 Addl. Sessions Judge IInd, Madhepura in connection with Purani P.S. Case No. 171 of 2019, corresponding to Excise Act Case No. 1042 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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