

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13716 of 2020

Arising Out of PS. Case No.-139 Year-2019 Thana- KALUAHI District- Madhubani

Upendra Mahto Son of Shaini Mahto Resident of Village - Datuyar, P.S. -
Khajauli, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Ashok 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 Kaluahi P.S.

Case No. 139 of 2019 registered for the offence under Sections
272, 273, 34 of the Indian Penal Code and Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

45 liters of foreign liquor is said to have recovered
from the motorcycle of co-accused Mukesh Paswan and
petitioner's name has come on his confession.

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 nor he has any
concern with the seized liquor. Mandatory provision of Section
100 Cr.P.C. has not been followed with respect to search and



seizure. Petitioner is having 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 Additional Sessions Judge II cum Special Judge, Madhubani in connection with Kaluahi P.S. Case No. 139 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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