

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24644 of 2020

Arising Out of PS. Case No.-85 Year-2020 Thana- BASANTPUR District- Siwan

Sanjay Gupta @ Sanjay Sah Son of Late Bachan Sah Resident of Village-
Khedhwan, P.S.- Basantpur, District- Siwan ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-10-2020 Heard learned counsel for the petitioner and the State through Video Conferencing.

Petitioner apprehends arrest in a case registered for the offence punishable under Sections 272, 273, 308/34 of the Indian Penal Code and section 30a of the Bihar Prohibition and Excise Act.

Total 19.155 liters of foreign liquor and a motorcycle have been recovered in front of the house of one Harendra Thakur. Co-accused Pramod Kumar Yadav was arrested on the spot who disclosed name of the petitioner as the person who fled away.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The mandatory provision of law for search and seizure given under section 100 Cr.P.C. has not been followed. No incriminating material has been recovered from the possession of the petitioner. It is stated in paragraph 3 of the bail petition that the petitioner has got no criminal antecedent.

Considering the facts of the case, in the event of arrest/surrender, let the petitioner, above named, be released on



bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II cum Special Judge, Excise Act Siwan in Basantpur Police Station Case No. 85/2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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