

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21579 of 2020

Arising Out of PS. Case No.-84 Year-2020 Thana- CHIRAIYA District- East Champaran

SANTOSH KUMAR YADAV Son of BRijkishore Yadav @ Vrijkishore
Yadav @ Brij Prasad Resident of Village- Agarwa, P.S.- jitna, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID-19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Smt. Anita Kumari Singh, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Chiraiya P.S. Case No. 84 of 2020 for the offence punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act.

The allegation is regarding recovery of 123 litres of illicit liquor from the motorcycle of the petitioner after the petitioner was apprehended by the Police.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present



case, he is having a clean antecedent and is languishing in custody since 11.03.2020. It is further submitted that there is no compliance of Section 100 Cr.P.C. while preparing the seizure list, hence the entire seizure is illegal and void.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the petitioner is having a clean antecedent and the provisions contained in Section 100 Cr.P.C. have not been followed while preparing the seizure list resulting in the entire seizure being vitiated and illegal, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to 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 learned Special Judge, Excise, Motihari, East Champaran in connection with Chiraiya P.S. Case No. 84 of 2020.

(Mohit Kumar Shah, J)

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