

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21640 of 2020

Arising Out of PS. Case No.-69 Year-2020 Thana- ADAPUR District- East Champaran

RAJ KUMAR SAH Son of Bharat Sah Resident of Village - Kalwari Dubha,
P.S. - Darpa, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-07-2020 Heard Mr. Abhishek Kumar, learned counsel for the petitioner and Mr. Anand Mohan Prasad Mehta learned Additional Public Prosecutor appearing for the State through video conferencing.

Learned counsel for the petitioner is directed to remove the defect(s) as pointed out by the Stamp Reporter within eight weeks.

Petitioner seeks regular bail in connection with Adapur P.S. Case No. 69 of 2020 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code 1860 and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that his bicycle was intercepted and a total quantity of 27 litres of Nepali liquor



has been recovered from the said bicycle.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged. Learned counsel further submits that petitioner has got no criminal antecedent and he is in custody since 5.3.2020. Learned counsel also submits that the procedure for search and seizure as prescribed under Section 100 Cr. P.C. has not been followed by the police party at the time of seizure.

Having regard to the submissions made by the parties and taking into consideration the fact that petitioner is in custody since 5.3.2020 having clean antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, East Champaran, Motihari, in connection with Adapur P.S. Case No. 69 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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