

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21592 of 2020

Arising Out of PS. Case No.-56 Year-2020 Thana- SAMASTIPUR District- Samastipur

SHRAVAN SAH Son of Radhe Shyam Sah R/o Mohalla Gudari Bazar Sabji
Mandi, P.S.- Town, Distt.- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr.Bijay Bhushan Prasad, Advocate
For the Opposite Parts : Mr. Ashok Kumar Singh, (APP)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 07-08-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

The petitioner is apprehending arrest in connection
with Excise Case No.56 of 2020 for offences under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that on
secret information raid was conducted by the police at Gudari
Bazar Sabji Market and allegedly 34.5 liters of liquor was
seized. The alleged liquor was seized from the shop belonging
to this petitioner which was closed one. Learned counsel further
submits that seizure was not made in accordance with law
particularly, the provisions of Section 100 Cr.P.C. was not
followed. The alleged recovery cannot be taken as recovery
from the conscious or exclusive possession of this petitioner as



the recovery was made beside the stair of the Sabji Market.

Considering the fact that the liquor was seized beside the stair in the Sabji Market and not from the conscious possession of the petitioner, the Court is inclined to grant bail to the petitioner subject to the condition that the petitioner has to deposit Rs.50,000/- in cash. On depositing the amount of Rs.50,000/-, petitioner, above-named, in the event of arrest or surrender within six weeks from today, shall be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II-cum- Special Judge (Excise), Samastipur in connection with Excise Case No. 56 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Deposit of Rs.50,000/- (Rupees fifty thousand) cash shall abide by the final outcome of the instant criminal case.

(Anil Kumar Upadhyay, J)

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