

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29422 of 2020

Arising Out of PS. Case No.-38 Year-2020 Thana- BHITAHHA District- West Champaran

Mahesh Ram aged about 32 years Son Of Sri Laxman Ram Resident Of
Village- Khairwa (Khairwa Bazaar), P.S.- Bhitaha, District- West Champaran.
... .. Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-12-2020 Heard learned counsel for the petitioner and the State
through Video Conferencing.

Petitioner apprehends arrest in a case registered for
the offence punishable under Section 30a of the Bihar
Prohibition and Excise Act.

4.5 liters of foreign liquor is said to have been
recovered from the hut of the petitioner.

Learned counsel appearing for the petitioner submits
that no incriminating material has been recovered from the
conscious possession of the petitioner. He further submits that
from the seizure list itself it appears that the recovery has been
made from an abandoned hut situated at the outskirts of the
village and the same does not mention name of the petitioner.
The mandatory provision of law for search and seizure given
under section 100 Cr.P.C. has not been followed. 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 Special Judge, Excise Act, West Champaran, Bettiah in Bhitaha Police Station Case No. 38 of 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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