

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9856 of 2017

Arising Out of PS.Case No. -473 Year- 2016 Thana -AMARPUR District- BANKA

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Santosh Kumar, son of Radhe Shyam Ramdas, resident of village Baksara,
P.S. Porayahat, District Godda (Jharkhand)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Smt. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-03-2017 Heard learned counsel for the petitioner.

This is an application for bail in connection with
Amarpur P.S.Case No. 473 of 2016 registered for the offences
punishable under Sections 30(2), 32(ii) of Bihar Prohibition and
Excise Act, 2016 and Sections 279 and 427 of the Indian Penal
Code.

It has been submitted on behalf of the petitioner that
petitioner is driver of the vehicle and it is alleged that from the
vehicle 96 litres of foreign liquor was recovered but falsity of the
case appears that in the seizure list no signature was obtained from
the petitioner and he is in custody for more than three months.

Heard learned APP also.

Having heard both sides and considering the fact that
there is no compliance of Section 100 Cr.P.C. along with the fact
that petitioner has remained in custody for three and a half months
and petitioner has clean antecedent, let the petitioner, above



named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka, in connection with Amarpur P.S.Case No. 473 of 2016, corresponding to G.R.No.3306 of 2016, subject to the conditions that :-

(i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.

(ii) The petitioner will not induce any witness or tamper with the evidence.

(iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move the cancellation of his bail.

(Vinod Kumar Sinha, J)

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