

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6679 of 2019

Arising Out of PS. Case No.-179 Year-2018 Thana- MADHUBAN District- East Champaran

Uma Kumar, age 42 years (Male) S/o Baiju Rai, resident of village
-Bhawaruwa, Police Station, Madhuban, District, East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 05-03-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Madhuban P.S. Case No. **179 of 2018** registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Informant a Police Officer has alleged in his self-statement that on 09.09.2018 on receiving a confidential information that co-accused, Baidya Nath Sao was indulged in selling of illicit foreign liquor, he reached there along with police force and Baidya Nath Sao was apprehend and, thereafter, from his house, 135 litres of illicit foreign liquor was recovered. He disclosed the name of the petitioner and others of being indulged in trade of illicit liquor.



It has been submitted on behalf of the petitioner that neither he was arrested from the spot nor anything has been recovered from his possession but only on the basis of disclosure of the co-accused, he has been falsely implicated in this case. Petitioner is in custody since 26.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned learned Additional Sessions Judge-VII-cum-Special Judge, Excise, East Champaran at Motihari in connection with Madhuban P.S. Case No. **179 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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