

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51420 of 2019

Arising Out of PS. Case No.-236 Year-2019 Thana- BARHARA District- Bhojpur

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1. Saroj Sharma, Male, aged about 32 years, Son of Vijay Sharma Resident of Village-Ekauna, P.S.-Barhara, District-Bhojpur.
 2. Sheo Shankar Singh, Male, aged about 60 years, Son of Lalan Singh Resident of Village-Chaumukha, P.S.-Ara Muffasil, District-Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rajendra Nath Sinha, Advocate
For the Opposite Party : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-11-2019 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and perused the case diary.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act.

As per prosecution case, 50 k.g. of foreign liquor was recovered from one Apachi motorcycle and during course of investigation, the petitioners' name have transpired.

It is submitted on behalf of the petitioners that the petitioners are not the owner of the vehicle nor they were arrested at the spot. Nothing has been recovered from the possession of the petitioners. Procedure of Section 100 of the Cr.P.C. has not been followed in respect of search and seizure. Petitioners have got clean antecedent.

In the aforesaid facts and circumstances, let the



above named petitioners be released on bail in the event of their arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV-cum-Special Judge Excise, Ara, Bhojpur/successor Court in connection with Excise Case No.1310 of 2019 arising out of Barhara P.S.Case No.236 of 2019, with following conditions:-

(i) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(ii) If the petitioners tamper 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 petitioners.

(Prabhat Kumar Singh, J)

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