

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69192 of 2019

Arising Out of PS. Case No.-82 Year-2019 Thana- BISHWAMBHARPUR District-
Gopalganj

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Jitendra Singh Son of Sunar Deo Singh @ Sundar Deo Singh aged about 42
years Male, Resident of Village- Rup Chhap, Police Staion- Bishambharpur,
District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh

For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 25-11-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Bishambharpur P.S. Case
No. 82 of 2019, G.R. No. 941 of 2019 registered for the offence
under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is a case of recovery of 31 liters of foreign liquor
from a motorcycle and petitioner was apprehended on spot.

It is submitted on behalf of petitioner that petitioner is
not the owner of the motorcycle, nor anything has been
recovered from his possession. He further submits that Section
100 Cr.P.C. has not been followed with respect to search and
seizure. There is also no allegation against the petitioner of
tampering with the evidence and petitioner is in custody since
18-08-2019, having no criminal antecedent.



Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-II cum Special Judge (Excise), Gopalganj in connection with Bishambharpur P.S. Case No. 82 of 2019, G.R. No. 941 of 2019 on the following conditions:

(1) Petitioner 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J.)

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