

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73815 of 2019

Arising Out of PS. Case No.-144 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Sujit Kumar age – 19 years male, S/o- Uday Kumar Resident of Village-
Sipara, Harichandra Nagar, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 27-11-2019 Heard learned counsel for the parties.

The petitioner seeks bail in P.R. No. 144/2019, arising out of Special Case No. 5757/2019 registered for the offence under Sections 30(a), 41(1), 42(2) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, 315 liters of foreign liquor has been recovered behind the market of one Mukesh Kumar and petitioner has been arrested on the spot.

It is submitted on behalf of petitioner that nothing has been recovered from possession of the petitioner and petitioner has nothing to do with the aforesaid seized liquor. Petitioner has no shop in the said market and aforesaid liquor was recovered from a public place. He further submits that Section 100 Cr.P.C. has not been followed with respect to search and seizure. In the case, chargesheet has also been submitted and as such, there is



no chance of tampering with the evidence and petitioner is in custody since 29-06-2019, 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 Special Judge, Excise Act, Patna in connection with P.R. No. 144/2019, arising out of Special Case No. 5757/2019 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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