

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 72596 of 2019

Arising Out of PS. Case No.-291 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Amar Kumar, S/O Ganesh Choudhary @ Ganesh Chaudhary, Gender – Male,
Age- 25, Village- Fatehpur, Ward No.-10, P.S.- Kanti, Dist.- Muzaffarpur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

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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 Excise Case No. 291 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is a case of recovery of about 140 liters of foreign liquor from a Hyundai Car, in which, it is alleged that petitioner was travelling.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case and he has no concern with the seized liquor, nor anything has been recovered from his possession. He further submits that in this case, co-accused namely Harish Prasad has already been granted bail by this Court, vide order dated 17-10-2019 passed in Cr.Misc. No. 64591 of 2019. Also, in this case, 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. Petitioner is in custody since 30-08-2019 and he has 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 ADJ-II cum Special Judge, Excise Act, Gopalganj in connection with Excise Case No. 291 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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