

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70728 of 2019**

Arising Out of PS. Case No.-251 Year-2019 Thana- SIMRI District- Buxar

Pawan Kumar Sah Son of Dwarika Sah Resident of Barki Nainijor, P.S.-
Nainijor, District- Buxar ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Bimlendu Shekher Thakur, Advocate

For the Opposite Party : Mr.Amarendra Prasad, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

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

Petitioner is an accused in a case registered for the offence punishable under section 30a of the Bihar Prohibition and Excise Act, 2016.

80 pieces of bear, each of 50 milliliters, were recovered from a motorcycle being driven by the petitioner.

Learned counsel for the petitioner disputes the alleged recovery and submits that he was arrested by the police on 22.8.2019 when he was going to meet his friend. Petitioner has got no criminal antecedent. Charge sheet has also been filed in the case, as such, there is no chance of tampering with the evidence. Mandatory provisions of section 100 Cr.P.C. has not been followed for search and seizure.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise, Buxar in Simri (RDR/Dera Opp) Police Station Case No. 251 of 2019, on the following conditions:-



(1) Petitioner shall co-operate 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 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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