

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69169 of 2019

Arising Out of PS. Case No.-191 Year-2019 Thana- TRIVENIGANJ District- Supaul

Bhola Mandal @ Sakaldeo Mandal Male aged about 34 years, Son of Jhabbar Mandal Resident of Village - Bhura Basauna (Ward No.-8), P.S.- Tribeniganj, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioner seeks bail in S.T. Excise No. 498 of 2019, arising out of Tribeniganj P.S. Case No. 191 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is a case of recovery of 248.10 liters of Nepali Saufi wine from the bush near a canal and petitioner has been named by some villagers, who were assembled at that spot.

Learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of the petitioner. It is further submitted that so called recovery has been made from public place and petitioner is in no way concerned with the same. He submits that there is no compliance of Section 100 Cr.P.C. with regard to search and seizure of aforesaid liquor, nor there is any evidence against the



petitioner of tampering with the evidence and petitioner is in custody since 09-08-2019.

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. Sessions Judge-II cum Special Judge (Excise), Supaul in connection with S.T. Excise No. 498 of 2019, arising out of Tribeniganj P.S. Case No. 191 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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