

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70729 of 2019**

Arising Out of PS. Case No.-591 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.  
District- Sitamarhi

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MANOJ KUMAR Son of Sri Surendra Das Resident of Villag - Sirsiya Bazar,  
Ward No. 09, P.S.- Bela, Distt - Sitamarhi (Bihar) ... Petitioner

Versus

The State of Bihar ... Opposite Party

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**Appearance :**

For the Petitioner : Mr.Purnendu Singh, Advocate  
For the Opposite Party : Mr.Gulnar Begum, Addl Public Prosecutor

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**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.

Petitioner was arrested on 12.9.2019 with 54.300 liters of Nepali Saufi wine.

Learned counsel for the petitioner disputes the alleged recovery and submits that in fact no such occurrence took place at the relevant time. Petitioner has got no criminal antecedent. Besides, 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 Additional Sessions Judge II cum Special Judge, Excise at Sitamarhi in Case No. C 2/591/2019, 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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