

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70730 of 2019

Arising Out of PS. Case No.-315 Year-2019 Thana- BIDUPUR District- Vaishali

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1. Shyam Kumar S/O Balkisun Resident of Village- Rohtak, P.S.- Rohtak, District- Hariyana,
 2. Rajesh Kumar Naini S/O Motiram Naini Resident of Village- Rohtak, P.S.- Rohtak, District- Hariyana Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Rakesh Prabhat, Advocate

For the Opposite Party : Mr.Sucheta Yadav, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-11-2019

Heard learned counsel for the parties.

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

Petitioners are driver and cleaner respectively of the container wherefrom 3250 liters of India made foreign liquor was smuggled. They were arrested on the spot on 7.8.2019.

Learned counsel for the petitioners submits that the petitioners were only concerned with the transportation and they were not aware of the materials kept in the container. Petitioners have got no criminal antecedent. Charge sheet has also been filed in the case, as such, there is no chance of tempering 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 petitioners, mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the Additional Sessions Judge II cum Special Judge, Excise, Vaishali at Hajipur in Bidupur Police Station Case No. 315 of 2019, on the following conditions:-

(1) Petitioners 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 on their absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper 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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