

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72567 of 2019

Arising Out of PS. Case No.-147 Year-2019 Thana- FULKAHA District- Araria

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1. Md. Irsad @ Irsad Son of Md. Naseer Ansari @ Md. Nasir Resident of - Bhajanpur, Police station- Forbesganj, District- Araria.
 2. Md. Guddu Son of Md. Azad Resident of - Bhajanpur, Police station- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Mandal

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in **Fulkaha P.S. Case No. 147 of 2019 (Special Case No. 1256 of 2019)**, registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

27 litres of Nepali liquor is alleged to have been recovered from a bag which was loaded on the motorcycle of petitioners.

It is submitted by learned counsel appearing on behalf of petitioners that petitioners have falsely been implicated in this case. Nothing has been recovered from possession of these petitioners. There is no compliance of provision of section 100



Cr.P.C. Petitioners are in custody since 20.09.2019 having clean antecedent.

Having considered the fact that small quantity of liquor has been recovered and petitioners have got clean antecedent, the petitioners above-named, are directed to be enlarged 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 learned **2nd Additional Sessions Judge-cum-Special Judge, Araria** in connection with **Fulkaha P.S. Case No. 147 of 2019 (Special Case No. 1256 of 2019)**, subject to the following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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