

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73003 of 2019

Arising Out of PS. Case No.-163 Year-2019 Thana- AANDAR District- Siwan

1. Rinku Paswan Son of Mohan Lal Paswan Resident of Village- Khardara, Noniya Toli, Police Station- Assawan, District- Siwan.
2. Niku Singh Son of Rakesh Singh Resident of Village- Ravatapur Aethiya, P.S.- Lar, District- Devariya (U.P.)
3. Om Prakash Pathak Son of Late Ram Naresh Pathak Resident of Village- Nauvadih, Police Station- Raghunathpur, District- Siwan.
4. Mantu Kumar Yadav @ Mantu Kumar @ Mantu Kumar Yadav @ Mantu Yadav Son of Jai Ram Yadav Resident of Village- Mamaur, P.S.- Guthani, District- Siwan.

... .. Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party : Mr.Humayou Ahd Khan, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-11-2019 Heard learned counsel for the parties.

Petitioners are accused in a case registered for the offence punishable under sections 414 and 34 of the Indian Penal Code read with section 30a of the Bihar Prohibition & Excise Act, 2016.

133.320 liters Foreign liquor was recovered from a Swift car and a motorcycle, which were being driven by these petitioners.

Learned counsel for the petitioners submits that the mandatory provisions of section 100 Cr.P.C. has no been followed in respect of search and seizure and the recovery is planted by the police because petitioners protested the vehicle checking on the road. Further, they have not been apprehended on the spot nor any incriminating articles have been recovered from their conscious possession. Petitioners are in custody since



8.10.2019 having no criminal antecedent. There is no allegation that the petitioners ever tampered the evidence.

In view of the facts and circumstances of the case, prayer for bail of the petitioners 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, Siwan in Andar Police Station Case No. 163 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tempers 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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