

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73811 of 2019

Arising Out of PS. Case No.-290 Year-2019 Thana- BAHADURGANJ District- Kishanganj

Samsad Alam @ Shamsad Alam Son of Late Jamsuddin Resident of Village-
Biraniya, Ward no.05, P.S.-Bahadurganj, District-Kishanganj
.....Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party : Asha Kumari, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-11-2019 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.

16.470 liters liquor was recovered from a motorcycle which was being driven by the petitioner. Petitioner was arrested on the spot, while his accomplice succeeded in fleeing away.

Learned counsel for the petitioner submits that the petitioner has falsely been roped in this case when he was waiting for Tempo for going to the village. Further, the mandatory provision under Section 100 Cr.P.C. has not been followed at the time of seizure. Besides, nothing has been recovered from his conscious possession. He is not concerned with the liquor and the said motorcycle. Petitioner is in custody in the instant case since 12.10.2019. Petitioner has got no criminal antecedent.

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, Kishanganj in Bahadurganj Police Station Case No. 290 of 2019/Special Case No. 374 of 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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