

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73032 of 2019

Arising Out of PS. Case No.-496 Year-2017 Thana- SIKARPUR District- West Champaran

Munna Sah Son of Late Prabhu Sah Resident of Village-Dhobaha, P.S.-
Shikarpur, District-West Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party : Mr.Suresh Prasad Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-11-2019 Heard learned counsel for the parties.

Petitioner apprehends arrest in a case registered for the offence punishable under section 30a of the Bihar Prohibition and Excise Act, 2016.

Two liters of country made liquor was recovered from a bag kept on a motorcycle.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case considering that the house from where recovery was made belong to him, which is incorrect, as the said house belongs to co-accused Lalmati Devi, who has already been allowed anticipatory bail by a bench of this Court vide order dated 4.5.2018, passed in Cr.Mis.No. 27467/2018. Even the alleged motorcycle does not belong to the petitioner, nor he is anyway connected with the alleged liquor. Petitioner has got no criminal antecedent. There is no allegation of tampering with the evidence. Mandatory provisions of section 100 Cr.P.C. has not been followed for search and seizure.

Learned counsel for the State opposes the prayer for



bail.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within a period of six weeks from today, 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 Special Judge, Excise, West Champaran at Bettiah in Shikarpur Police Station Case No. 496 of 2017, 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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