

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 72590 of 2019

Arising Out of PS. Case No.-664 Year-2019 Thana- JAKKANPUR District- Patna

Sunil Kumar aged about 22 years, Male, Son of Madan Rai Resident of
Village - Motinagar, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Ashraf Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioner seeks bail in Jakkanpur P.S. Case No. 664 of 2019, corresponding to Special Case No. 9059 of 2019, registered for the offence under Sections 30(a), 38, 41 of Bihar Prohibition and Excise (Amendment) Act, 2018.

It is a case of recovery of 25.875 liters of foreign liquor from a motorcycle, which was being driven by the petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from possession of the petitioner. He further submits that Section 100 Cr.P.C. has not been followed with respect to search and seizure. There is also no allegation against the petitioner of tampering with the evidence and petitioner is in custody since 12-10-2019, having no criminal antecedent.



Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Jakkanpur P.S. Case No. 664 of 2019, corresponding to Special Case No. 9059 of 2019, on the following conditions:

(1) Petitioner shall cooperate 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 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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