

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 72582 of 2019

Arising Out of PS. Case No.-254 Year-2019 Thana- MAIRWAN District- Siwan

1. Bindhyachal Turaha @ Bindhyach Turha @ Vindhyachal Turha aged about 25 years, Gender – Male, Son of Late Suryanath Turha Resident of Village - Chhotaki Babhnauli, P.S. - Mairwa, District - Siwan.
2. Salamuddin Ansari aged about 23 years, Gender-Male, Son of Manjur Alam Mian Resident of Village - Babhnauli, Police Station - Mairwa, District - Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

Two petitioners seek bail in Mairwa P.S. Case No. 254 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is a case of recovery of 20 liters of foreign liquor from a motorcycle, on which, these two petitioners were travelling and petitioners were apprehended on spot.

It is submitted on behalf of petitioners that petitioners have falsely been implicated in this case, since nothing has been recovered from possession of the petitioners nor they are owner of said motorcycle. 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 petitioners of tampering with the evidence and petitioners are in custody since 24-09-2019.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioners 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 learned 2nd Addl. District and Sessions Judge cum Special Judge, Excise, Siwan in connection with Mairwa P.S. Case No. 254 of 2019 on the following conditions:

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the Court below.

(2) If the petitioners tamper 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.)

anay

U		T	
---	--	---	--

