

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 74770 of 2019

Arising Out of PS. Case No.-208 Year-2019 Thana- FATEHPUR District- Gaya

Sidheshwar Yadav aged about 40 years (Male), Son of Parmeshwar Yadav
Resident of Village - Dhaneta, P.S.- Fatehpur, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, 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 Fatehpur P.S. Case No. 208 of 2019 registered for the offence under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 32(2) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 25 liters of *Mahua* liquor is said to have recovered from a motorcycle and petitioner was driving the same.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case and nothing has been recovered from his conscious possession, rather the motorcycle, on which recovery has been effected, does not belong to 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 09-09-2019, 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 Excise Judge, Gaya in connection with Fatehpur P.S. Case No. 208 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.)

anay

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

