

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 73817 of 2019**

Arising Out of PS. Case No.-424 Year-2019 Thana- BAHERA District- Darbhanga

=====

Guddu Kumar Mahtha, aged about 23 years, Gender – Male, S/o Pravesh Mahtha R/o village- Jayanti, P.S.- Bahera, District- Dharbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, 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 Bahera P.S. Case No. 424 of 2019, corresponding to G.O. No. 957 of 2019, registered for the offence under Sections 30(a), 32(iii), 41(i) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 12.75 liters of foreign liquor is said to have been recovered from the house of the petitioner.

It is submitted on behalf of petitioner that the house in question is in joint possession and nothing has been recovered from the conscious 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 20-09-2019, 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 Additional District and Sessions Judge 2<sup>nd</sup> cum Special Judge – Excise Act, Darbhanga in connection with Bahera P.S. Case No. 424 of 2019, corresponding to G.O. No. 957 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 |  |
|---|--|---|--|

