

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 74747 of 2019

Arising Out of PS. Case No.-125 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Md. Sajjad @ Mohd. Sajad @ Md. Sahjad, aged about 18 years, Gender – Male, Son of Late Md. Naem @ Late Md. Naeem Resident of Village - Pupri Ward No. 7, P.S.- Pupri, Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioner seeks bail in G.O. Case No. 125 of 2019 registered for the offence under Section 30(A) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 29.400 liters of Nepali Saufi wine has been recovered from a motorcycle and petitioner has been caught on the spot.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner and motorcycle in question does not belong to him. It is further submitted 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 04-10-2019, 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 A.D.J.-II cum Special Judge, Excise Act, Sitamarhi in connection with G.O. Case No. 125 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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