

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 74759 of 2019

Arising Out of PS. Case No.-908 Year-2019 Thana- AGAMKUAN District- Patna

1. Subhash Mahto aged about 30 years (M) Son of Hans Mahto Resident of Village - Chhoti Pahari, Neem Tal, P.S.- Agamkuan, District - Patna.
2. Parsuram Mahto aged about 46 years (M) Son of Late Sitaram Mahto Resident of Village - Chhoti Pahari, Kumharar Toli, P.S.- Agamkuan, District - Patna.
3. Sonu Kumar aged about 19 years (M) Son of Parsuram Mahto Resident of Village - Chhoti Pahari, Kumharar Toli, P.S.- Agamkuan, District - Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

Three petitioners seek bail in Agamkuan P.S. Case No. 908 of 2019 registered for the offence under Sections 30(a) (b), 37(c), 38, 41 of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, altogether 60 liters of country-made liquor are said to have recovered from the possessions of the petitioners.

It is submitted on behalf of petitioners that petitioners have falsely been implicated in this case and nothing has been recovered from their conscious possession. 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 14-10-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named three 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 Special Judge – Excise Act, Patna in connection with Agamkuan P.S. Case No. 908 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.)

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