

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 81682 of 2019

Arising Out of PS. Case No.-88 Year-2019 Thana- AMBA District- Aurangabad

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Anil Sharma Male aged about 24 years Son of Shri Indra Sharma Resident of
Village- New Diliya (Dehri on Son), P.S.- Dehri on Son, District- Rohtas at
Sasaram

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Singh, Adv.

For the Opposite Party/s : Mrs. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 11-12-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Amba P.S. Case No. 88 of
2019 registered for the offence under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, during patrolling, from one
vehicle, bearing registration no. JH05A-1661, 400 liters illicit
liquor was recovered and as such, vehicle was seized and
petitioner, being driver of the vehicle, tried to flee away but
arrested on the spot.

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. It is further submitted
that petitioner, being driver of the vehicle, was unaware of the
nature of consignment. It is also 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 07-09-2019, 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 Sessions Judge VII-cum-Special Court – Excise Act, Aurangabad in connection with Amba P.S. Case No. 88 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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