

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 74755 of 2019**

Arising Out of PS. Case No.-229 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. Sanjeev Kumar aged about 25 years, Gender-Male Son of Munarik Ray
 2. Sunil Kumar aged about 25 years, Gender-Male, Son of Ramparvesh Ray
Both are resident of Village-Mallikpur, Rustampur, P.S-Didarganj, District-Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

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

Two petitioners seek bail in Special Case No. 8824 of 2019 (arising out of P.R. Case No.229 of 2019) registered for the offence under Sections 30(a)/56(b) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, 7.44 liters of foreign liquor and about 40 liters of country-made liquor have been recovered from a plastic bag kept on a motorcycle and petitioner alongwith another were arrested on the spot.

It is submitted on behalf of petitioners that nothing has been recovered from the conscious possession of the petitioners and petitioners have falsely been implicated in this case. 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 20-09-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named two 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, Patna in connection with Special Case No. 8824 of 2019 (arising out of P.R. Case No. 229 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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