

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82707 of 2019

Arising Out of PS. Case No.-154 Year-2019 Thana- FULKAHA District- Araria

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Pramod Das male aged about 42 years S/o Late Bhola Das Resident of
Village- Manikpur, Ward No. 15, P.S.- Fulkaha, District- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh
For the Opposite Party/s : Mrs. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioner seeks bail in Fulkaha P.S. Case No. 154 of 2019, corresponding to Special Case No. 1353 of 2019, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is a case of recovery of 17.7 liters of Nepali liquor from a plastic bag, which was being carried by the petitioner.

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 mandatory provision of 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 02-10-2019, 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 1st Addl. Sessions Judge-cum-Special Judge, Araria in connection with Fulkaha P.S. Case No. 154 of 2019, corresponding to Special Case No. 1353 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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