

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82565 of 2019

Arising Out of PS. Case No.-242 Year-2019 Thana- JANDAHA District- Vaishali

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1. Manoj Kumar (Male) aged about 23 years, Son of Mantun Rai @ Manatun Ray Resident of Village - Baikunthpur, P.S.- Rajapakar, District- Vaishali
 2. Akhilesh Kumar (Male) aged about 25 years, Son of Late Munga Rai Resident of Village - Madhopur, P.S.- Mahua, District- Vaishali
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioners seek bail in Jandaha P.S. Case No. 242 of 2019 registered for the offence under Section 414 of the Indian Penal Code and Sections 30(a), 38(ii), 41(i) of Bihar Prohibition and Excise (Amendment) Act, 2018.

It is a case of recovery of 164.520 liters of foreign liquor from a car i.e. Tata Indica, bearing registration no. WB02Z-5401, and both the petitioners were sitting in the car and were arrested on the spot.

It is submitted on behalf of petitioners that petitioners have falsely been implicated in this case. Neither they were owner of the vehicle nor they have any concern with the seized articles. They were simply co-passengers in the car and were unaware about the consignment and no incriminating article has been recovered from their 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 petitioners of tampering with the evidence and petitioners is in custody since 30-09-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named 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 Addl. Sessions Judge IInd cum Excise Court, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 242 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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