

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82699 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

Chandeshwar Yadav Son of Bhui Yadav Resident of Village - Bhola Bigha,
P.S.- Magadh Medical, District- Gaya, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in **Magadh Medical P.S. Case No. 29 of 2019**, registered for the offence punishable under Section 30(a)(d) of the Bihar Prohibition and Excise Act, 2016.

12 quintals of Mahua flower is alleged to have been recovered from the bank of river.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner has falsely been implicated in this case on the basis of suspicion. Nothing has been recovered from conscious possession of the petitioner. Petitioner has no concern with the seized Mahua flower. Recovery is made from the bank of river which is accessible to general people. Section 100



Cr.P.C has not been followed. Petitioner has got clean antecedent.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to 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 the learned **Special Judge, Excise, Gaya** in connection with **Magadh Medical P.S. Case No. 29 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioner shall co-operate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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