

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82645 of 2019

Arising Out of PS. Case No.-894 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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BYAS KUMAR YADAV S/o Late Chabila Prasad Yadav R/o Village-
Maharani Bairiya, P.S.- Kotva, District- East Champaran, Motihari.

... .. Petitioner

Versus

The State of Bihar

... Opposite Party

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Appearance :

For the Petitioner/s : Mr.Subodh Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Ram B Roy Raman, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-12-2019 Petitioner is an accused in a case registered for the
offence punishable under section 30a of the Bihar Prohibition
and Excise Act, 2016.

70 liters of country made liquor was recovered from a
hut and petitioner was arrested at the spot.

Learned counsel for the petitioner submits that he is
neither the owner of the hut nor he was any connection with the
recovered liquor. Mandatory provisions of section 100 Cr.P.C.
has not been followed for search and seizure. Petitioner is in
custody since 3.10.2019, though nothing incriminating has been
recovered from his conscious possession.

In view of the facts and circumstances of the case,
prayer for bail of the petitioner is allowed. Let the petitioner,
mentioned above, be released 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 Additional Sessions Judge 9th cum
Special Judge, Excise, East Champaran, Motihari in Kotva
Police Station/Excise Case No. 894 of 2019, on the following
conditions:-



(1) 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 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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