

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 81696 of 2019

Arising Out of PS. Case No.-176 Year-2019 Thana- SIKTI District- Araria

Md. Jamshed Alam @ Jamsed @ Jamshed Alam (male) aged about 32 years,
Son of Md. Sajjad @ Md. Saiyad Alam Resident of Village - Gopalganj, P.S.-
Palasi, Distt. - Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 11-12-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Spl. Case No. 1415 of 2019, arising out of Sikty P.S. Case No. 176 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is alleged that 27 litres of Nepali wine was recovered from the motorcycle of 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 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 15-10-2019, 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 2nd Additional Sessions Judge cum Special Judge, Araria in connection with Spl. Case No. 1415 of 2019, arising out of Sikty P.S. Case No. 176 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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