

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82562 of 2019

Arising Out of PS. Case No.-92 Year-2019 Thana- BALRAMPUR District- Katihar

Manoj Rai, Male, Aged about 39 years, Son of Asharfi Rai Resident of - Lalu Nagar, Daheriya Mills , P.S.- Nagar, Distt.- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioner seeks bail in Balrampur P.S. Case No. 92 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is a case of recovery of 571.920 liters of foreign liquor from a pick-up van and petitioner is said to be owner of the pick-up van.

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. Petitioner is only owner of the pick-up van, which was being driven by the driver, who without knowledge or consent of the petitioner had loaded the liquor. Petitioner has no concern with the said liquor. 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 15-11-2019, 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 Addl. Sessions Judge II cum Special Judge, Katihar in connection with Balrampur P.S. Case No. 92 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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