

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82547 of 2019

Arising Out of PS. Case No.-349 Year-2019 Thana- DESARI District- Vaishali

1. Vikash Kumar (Male) aged about 19 years, Son of Somnath Rai @ Somnath Ray Resident of Village - Terasiya Diar, P.S. - Ganga Bridge, District - Vaishali.
2. Sanjay Kumar @ Chhotu (Male) aged about 22 years, Son of Om Prakash Chaudhary Resident of Village - Patwa Toli Hajipur, P.S. - Town Hajipur, District - Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

Two petitioners seek bail in Desari P.S. Case No. 349 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

It is a case of recovery of altogether 200 liters (80 liters + 120 liters) of country-made liquor from the motorcycles of both petitioners.

It is submitted on behalf of petitioners that petitioners have falsely been implicated in this case due to enmity and nothing 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 are in custody since 17-10-2019, 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) 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 Desari P.S. Case No. 349 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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