

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81719 of 2019**

Arising Out of PS. Case No.-5 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

Sunny @ Mass @ Masa @ Rajkumar Kushwaha Son of Late Ramashankar
Singh Resident of Village - Jagadishpur, P.S.- Buxar (Muffasil), Distt - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Singh, Advocate Mr. Amit Kumar Pandey, Advocate
For the Opposite Party/s :		Mr.Lalan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 11-12-2019 Heard learned counsel for the petitioner and
Additional Public Prosecutor for the State.

The petitioner seeks bail in **Buxar (Muffasil) P.S. Case No. 005 of 2019**, registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Prosecution case is that police on secret information, conducted raid. After seeing the police party, accused persons fled away and the police recovered 2324.34 litres of foreign liquor from *Khalihan* of the accused persons including this petitioner.

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. Petitioner is not apprehended on the spot. Petitioner has no concern with the recovered liquor. The provision of section 100 Cr.P.C has not been followed. Other co-accused have been granted bail by different benches of this court vide order dated 08.08.2019 passed in Cr. Misc. No. 49774 of 2019, order dated 15.10.2019 passed in Cr. Misc. No. 61467 of 2019, order dated 24.09.2019 passed in Cr. Misc. No. 60483 of 2019, order dated 04.12.2019 passed in Cr. Misc. No. 61546 of 2019 and order dated 21.02.2019 passed in Cr. Misc. No. 10527 of 2019. Petitioner is in custody since 16.11.2019.

Considering the facts aforesaid, the petitioner above-named, 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 **Additional District Judge lind-cum-Special Judge, Excise Act, Buxar** in connection with **Buxar (Muffasil) P.S. Case No. 005 of 2019**, subject to the 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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