

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82241 of 2019**

Arising Out of PS. Case No.-137 Year-2019 Thana- CHAKAI District- Jamui

Md. Danish Khan Son of Md. Niyaz Khan Resident of Jharia, P.S.-Jharia,
District-Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Parmanand 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 **Chakai P.S. Case No. 137 of 2019**, registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

400 litres of spirit is alleged to have been recovered from a tempo in which this petitioner was also travelling.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner has falsely been implicated in this case, as he was travelling in that tempo. Petitioner is neither the owner nor the driver of the vehicle in question. The provision of section 100 Cr.P.C has not been followed. Petitioner is in custody since 17.08.2019 having clean antecedent.



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 and Sessions Judge IInd, Jamui** in connection with **Chakai P.S. Case No. 137 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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