

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82558 of 2019

Arising Out of PS. Case No.-325 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Amarjit aged about 50 years, Gender-Male, S/o Late Amchandra
 2. Jai Bhagwan aged about 35 years, Gender-Male, S/o Late Malik Raj @
Malak Raj
Both Resident of Kherabad @ Kehrawar, P.S.- Shapla, District- Rohtak
(Haryana)
- Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Prasad, Adv.
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, 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 Excise Case No. 325 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 3712.680 liters of foreign liquor from a truck and these two petitioners were arrested on the spot, who were driver and khalasi respectively of the truck.

It is submitted on behalf of petitioners that petitioners have falsely been implicated in this case and nothing has been recovered from their conscious possession. It is further submitted that petitioners were unaware about the nature of consignment and a false and fabricated case was made out against them. It is also 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 16-09-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioners 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 A.D.J.-II cum Special Judge Excise, Gopalganj in connection with Excise Case No. 325 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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