

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82251 of 2019

Arising Out of PS. Case No.-362 Year-2019 Thana- SURSAND District- Sitamarhi

1. Md. Tasir Son of Md. Wakil Resident of Village - Mehsaul Got, Ward No. 9, P.S.- Mehsaul, O.P., Distt - Sitamarhi.
2. Md. Kalam Son of Md. Hasan Resident of Village - Mehsaul Got, Ward No. 9, P.S.- Mehsaul, O.P., Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjana Srivastava, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioners seek bail in Sursand P.S. Case No. 362 of 2019, registered for the offence punishable under Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

Two persons were coming on a motorcycle. The police stopped that motorcycle and from a bag which was kept on that motorcycle, 80.40 litres of Nepali Saufi wine is alleged to have been recovered. Two persons were apprehended by the police who disclosed their names as Md. Tahir and Md. Kalam.

It is submitted by learned counsel appearing on behalf of petitioners that petitioners have falsely been implicated in



this case due to enmity. The provision of section 100 Cr.P.C has not been followed. Petitioners are in custody since 05.10.2019. Petitioner no. 2 has got clean antecedent.

Considering the facts aforesaid, the petitioners above-named, are directed to 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 the learned Additional District and Sessions Judge IInd-cum-Special Judge Excise Act, Sitamarhi in connection with Sursand P.S. Case No. 362 of 2019, subject to the conditions:-

(i) The petitioners 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, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper 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 petitioners.

(Prabhat Kumar Singh, J)

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