

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82576 of 2019**

Arising Out of PS. Case No.-57 Year-2019 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Rajesh Poddar (Male), aged about 35 years Son of Satyanarayan Poddar
Resident of Inaiya, P.S.- Nao Kothi, Distt- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Zeyaul Hoda

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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

2. 12-12-2019 The petitioner seeks bail in Nao Kothi P.S. Case No.
57 of 2019 registered for the offence under Sections 420, 120(B)
of the Indian Penal Code and Section 30(a) of Bihar Prohibition
and Excise Act, 2016.

It is a case of recovery of 1192 liters of illicit liquor
from godown of one Krishna Mahto and only allegation against
the petitioner is that he is the owner of the vehicle, by which,
the liquor was transported to the godown.

It is submitted on behalf of petitioner that petitioner
has falsely been implicated in this case and nothing has been
recovered from his conscious possession. It is further submitted
that co-accused Krishna Mahto has already been granted bail by
this Court, vide order dated 05-08-2019 passed in Cr.Misc. No.
48560 of 2019 and one other co-accused Rohit Kumar has also
been granted anticipatory bail by this Court, vide order dated



08-08-2019 passed in Cr.Misc. No. 49776 of 2019. 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 petitioner of tampering with the evidence and petitioner is in custody since 13-09-2019, 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) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge cum Special Judge Excise Act, Begusarai in connection with Nao Kothi P.S. Case No. 57 of 2019 on the following conditions:

“(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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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