

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82598 of 2019

Arising Out of PS. Case No.-193 Year-2019 Thana- MOHAMMADPUR District- Gopalganj

Vikash Kumar @ Vikash Kumar Singh Son of Shyam Narayan Singh
Resident of Village- Sareya Pandey Tola, P.S.- Dumariyaghat, District- East
Champanan ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party : Mr.Pawan Kr Chaurasia, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-12-2019 Heard learned counsel for the parties.

Petitioner is an accused in a case registered for the offence punishable under section 30a of the Bihar Prohibition and Excise Act, 2016.

Police arrested the petitioner and recovered 25.920 liters of foreign liquor from a bag tied with the motorcycle being used by the petitioner and his accomplice, who managed to escape.

Learned counsel for the petitioner submits that the recovery has not been made from the conscious possession of the petitioner. Petitioner has got no criminal antecedent and is in custody since 10.11.2019. Mandatory provisions of section 100 Cr.P.C. has not been followed for search and seizure.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be released 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 Additional Sessions Judge II cum Special Judge, Excise, Gopalganj in Mohammadpur Police Station Case No. 193 of 2019, on the following conditions:-



(1) 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 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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