

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 81616 of 2019

Arising Out of PS. Case No.-87 Year-2019 Thana- MAINATAND District- West Champaran

Dilip Kumar aged about 45 years (Male), Son of Late Sahab Prasad Resident of Village - Mainatand, P.S.- Mainatand, Distt.- West Champaran, Pin no.845306

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 11-12-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in Mainatand P.S.

Case No. 87 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is a case of recovery of 7.5 liters of illicit liquor from the hotel and petitioner is said to be owner of the said hotel.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case and no material has been recovered from his conscious possession, nor petitioner has any connection with the seized liquor. It is further submitted that 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 having clean



antecedent, which fact has been stated in paragraph – 3 of the petition.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of arrest or surrender within a period of six weeks from today, 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 Special Judge Excise, Bettiah, West Champaran in connection with Mainatand P.S. Case No. 87 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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