

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82578 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- ISUAPUR District- Saran

1. Arvind Rai aged about 19 years (Male) Son of Subhash Rai Resident of Village- Dhama Parsa, P.S. Isuapur, District- Saran.
2. Manan Singh @ Madan Singh aged about 24 years (Male) Son of Anil Singh Resident of Village - Gangoi, P.S. Isuapur, District- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar
For the Opposite Party/s : Mrs. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioners seek bail in Isuapur P.S. Case No. 31 of 2019 registered for the offence under Sections 30/38/41 of Bihar Prohibition and Excise Act, 2016.

It is a case of recovery of 4000 liters of raw spirit from a truck, bearing registration no. JH025-5718, and name of these two petitioners have come on disclosure of some villagers.

It is submitted on behalf of petitioners that petitioners have falsely been implicated in this case due to village politics and petitioners have no concern with the consignment, nor anything has been recovered from their conscious possession. It is also submitted that some of co-accused have already been granted bail by this Court. Section 100 Cr.P.C. has also not been followed with respect to search and seizure. There is also no



allegation against the petitioners of tampering with the evidence and petitioner is in custody since 02-12-2019, 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) each with two sureties of the like amount each to the satisfaction of learned IInd A.D.J. cum Special Judge, Excise, Saran at Chapra in connection with Isuapur P.S. Case No. 31 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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