

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82560 of 2019

Arising Out of PS. Case No.-295 Year-2019 Thana- DELHA District- Gaya

Nagendar Kumar Aged 20 years (Male) Son of Deonandan Yadav Resident of
Village - Assorain, P.S.- Tankuppa in the District of Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary
For the Opposite Party/s : Mrs. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioner seeks bail in Delha P.S. Case No. 295 of 2019 registered for the offence under Sections 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

It is a case of recovery of 20 liters of *mahua* wine from the dicky of petitioner's motorcycle

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case due to previous enmity and nothing has been recovered from his conscious possession. 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 01-11-2019, 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 Special Judge, Excise, Gaya in connection with Delha P.S. Case No. 295 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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