

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82720 of 2019

Arising Out of PS. Case No.-425 Year-2019 Thana- AKBARPUR District- Nawada

1. Prem Kumar @ Preman Kumar Son of Late Chhabi Ram @ Rajbanshi Resident of Village - Rasal Pura, P.S.- Akbar Pur, District - Nawada.
2. Vikash Kumar Son of Rajo Ram @ Rajbanshi Resident of Village - Rasal Pura, P.S.- Akbar Pur, District - Nawada.

... .. Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Yogendra Kr Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsel for the parties.

Petitioners are accused in a case registered for the offence punishable under section 414 of the Indian Penal Code and under section 30a of the Bihar Prohibition and Excise Act, 2016.

Police recovered 32 liters country made mahua wine kept in a bag on the motorcycle and petitioners were arrested on 3.10.2019 as they were standing near the place.

Learned counsel for the petitioners submits that the recovery has not been made from the conscious possession of the petitioners. Petitioners have got no criminal antecedent and even the said motorcycle does not belong to them and they are no way concerned with the recovery. 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 petitioners is allowed. Let the petitioners, mentioned above, be released 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 the Additional Sessions Judge II cum Special Judge, Excise, Nawada in Akbarpur Police Station Case No. 425 of 2019, on the following conditions:-

(1) Petitioners 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 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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