

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82677 of 2019

Arising Out of PS. Case No.-298 Year-2019 Thana- PAKARIBARAW District- Nawada

Vinay Kumar @ Birendra Yadav @ Vinay Yadav Son of Sharan Yadav
Resident of Village - Rajobigha, P.S.- Pakari Barawan, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in **Pakari Barawan P.S. Case No. 298 of 2019**, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that 200 litres of spirit is alleged to have been recovered from one Santro Car and two persons fled away from the said place.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner has falsely been implicated in this case. Nothing has been recovered from conscious possession of the petitioner. Villagers had disclosed that petitioner is one the persons who fled away from the place of recovery. Santro Car does not belong to this petitioner. Section 100 Cr.P.C has not



been followed. Petitioner has got clean antecedent.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to 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 the learned **Additional Sessions Judge II-cum-Special Judge, Nawada** in connection with **Pakari Barawan P.S. Case No. 298 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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