

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82676 of 2019

Arising Out of PS. Case No.-2331 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhojpur

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Vinod Kumar Yadav (Male) aged about 35 years, S/o Late Shobha Nath Jha
R/o village- Bhaluipur, P.S.- Ara Nagar, District- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta

For the Opposite Party/s : Mr.Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioner seeks bail in Excise Case No. 2331 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

It is a case of recovery of 176.670 liters of illicit liquor from a hut of the petitioner.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case and nothing has been recovered from his conscious possession, nor the hut in question belongs to petitioner. 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 19-11-2019, 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 IVth Addl. Sessions Judge cum Special Judge Excise Bhojpur at Ara in connection with Excise Case No. 2331 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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