

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82715 of 2019

Arising Out of PS. Case No.-561 Year-2019 Thana- SARAIYA District- Muzaffarpur

1. Amarjeet Kumar, aged about 25 years, (Male) son of Late Balam Rai @ Balan Rai, Resident of Village- Manikpur, P.S.- Saraiya, District- Muzaffarpur.
2. Rakesh Kumar @ Rakesh Kumar Sah, aged about 20 years (Male) son of Ganesh Sah Resident of Village - Manikpur, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar
For the Opposite Party/s : Mr. Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioners are apprehending their arrest in Saraiya P.S. Case No. 561 of 2019 (corresponding to G.R. No. 1613/2019) registered for the offence under Sections 30/30 (a) of Bihar Prohibition and Excise Act, 2016.

It is a case of recovery of 101 litres of foreign liquor from behind the house of petitioner no. 1 and name of both petitioners are surfaced on the disclosure of villagers.

It is submitted on behalf of the petitioners that petitioners have falsely been implicated in this case by the co-



villagers due to previous enmity and they have committed no offence. It has further been submitted that nothing has been recovered from the conscious possession of the petitioners. In this case, mandatory provision of Section 100 Cr.P.C. has not been followed with respect to search and seizure. There is also no allegation against petitioners of tampering of evidence and petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of arrest or surrender within a period of six weeks from today, let the above named petitioners 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 Special Judge Excise, Muzaffarpur in connection with Saraiya P.S. Case No. 561 of 2019, corresponding to G.R. No. 1613 of 2019 on the following conditions:

“(i) 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.



(ii) 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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