

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82601 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- SIMRI District- Buxar

MAHESH SAH Son of Chhotelal Sah Resident of Village-Kharha Taad, P.S-
Simari, District-Buxar. ... Petitioner

Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Bindhyachal Rai, Advocate
For the Opposite Party : Mr.Surendra Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-12-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Petitioner is an accused in a case registered for the
offence punishable under section 30a of the Bihar Prohibition
and Excise Act, 2016.

277.920 liters of liquor was recovered from a vehicle
and two accused persons managed to escape, who were
identified by the villagers as the petitioner and his accomplice.

Learned counsel for the petitioner submits that the
petitioner is neither the owner of the vehicle nor the driver of
the said car. He has not been arrested at the spot. Mandatory
provisions of section 100 Cr.P.C. has not been followed for
search and seizure. Petitioner is in custody since 11.11.2019,
though nothing incriminating has been recovered from his
conscious possession.

In view of the facts and circumstances of the case,
prayer for bail of the petitioner is allowed. Let the petitioner,
mentioned above, be released 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 Additional Sessions Judge II cum



Special Judge, Excise Buxar in CIS Utpad 25/2019, Simri
Police Station Case No. 10/2019, on the following conditions:-

(1) 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 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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