

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82552 of 2019

Arising Out of PS. Case No.-695 Year-2019 Thana- SARAIYA District- Muzaffarpur

Sudhir Kumar aged about 25 years Son of Diplal Rai @ Diplal Ray Resident
of Village - Khalilpur, P.S.- Karja, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

For the Opposite Party/s : Mrs.Sangeeta Sharma,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioner seeks bail in Saraiya P.S. Case No. 695
of 2019 registered for the offence under Sections 420/467/468/
120(B)/272/273/34 of the I.P.C. and Sections 30(a)/38 of Bihar
Prohibition and Excise (Amendment) Act, 2018.

It is a case of recovery of 3999.720 liters of illicit
liquor as also some cash amount with relevant documents of
vehicle from some pick-up van and petitioner is said to be
travelling in one of the van.

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. It is further submitted
that petitioner is neither owner nor driver of pick-up van and he
has no concern with the seized liquor, but without any rhyme &
reason, the petitioner was arrested. 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 the petitioner of tampering with the evidence and petitioner is in custody since 16-10-2019, 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 Special Judge (Excise Act), Muzaffarpur in connection with Saraiya P.S. Case No. 695 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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