

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82583 of 2019**

Arising Out of PS. Case No.-550 Year-2019 Thana- PATNA GRP CASE District- Patna

1. Munna Kumar (Male), aged about 19 years, Son of Arun Prasad @ Arun Kumar
2. Vikash Kumar (Male), aged about 18 years, Son of Arun Prasad @ Arun Kumar
Both are Resident of Village- Wajitpur, Ward No. 3, P.S.- Barh, District- Patna.
3. Chandan Pandey (Male) aged about 21 years, Son of Kamlakant Pandey
Resident of Village- Basani, Ward No. - 1, P.S.- Sabar, District- Kaimur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2

For the Opposite Party/s : Mrs. Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

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

The petitioners seek bail in Special Case No. 8883 of 2019, arising out of Patna Junction P.S. Case No. 550 of 2019, registered for the offence under Sections 273 and 34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is a case of recovery of altogether 93.600 liters of foreign liquor from the possession of petitioners.

It is submitted on behalf of petitioners that petitioners have falsely been implicated in this case and nothing has been recovered from their conscious possession. 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 petitioners of tampering with the evidence and petitioners are in custody since 07-10-2019. So far as petitioner no. 2 & 3 are concerned, they are having clean antecedent, but in respect of petitioner no. 1, he is involved in one more case relating to Excise Act.

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) each with two sureties of the like amount each to the satisfaction of learned Special Judge- Excise, Patna in connection with Special Case No. 8883 of 2019, arising out of Patna Junction P.S. Case No. 550 of 2019, on the following conditions:

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

(2) 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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