

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1564 of 2020

Arising Out of PS. Case No.-848 Year-2019 Thana- MADHAURAH District- Saran

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1. Shailendra Rai Son of Jai Nath Rai Resident of Village- Takina, P.S.- Marhowrah, Distt- Saran
2. Arun Rai @ Arun Kumar Rai S/O- Kameshwar Rai Resident of Village- Semrahiya, Asoeiya West Tola, P.S.- Marhowrah, Distt- Saran
- Petitioners

Versus

The State Of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Prabhat Kumar, Advocate

For the Opposite Party : Mr.Yogendra Kumar Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioners as well as learned counsel for the State.

Petitioners apprehends arrest in a case registered for the offences punishable under Sections 30 of the Bihar Prohibition and Excise Act on the allegation of recovery of 385 liters of raw spirit from Nut tola.

Learned counsel for the petitioners submits that the said recovery has not been made from the possession of the petitioners. They have got no criminal antecedent. Provisions of Section 100 Cr.P.C. has not been followed at the time of search and seizure.

Considering the facts of the case, let the petitioners, above named, in the event of arrest/surrender before the Court below within a period of six weeks from the date of receipt of the order, be released 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 the Additional Sessions Judge II cum Special Judge, Excise Act Saran at Chapra in Marhowrah Police Station Case No. 848 of 2019, on the following conditions:-



(1) 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 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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