

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.269 of 2020

Arising Out of PS. Case No.-29 Year-2019 Thana- DUMARIYA District- Gaya

BHARAT PRASAD Son of Vigan Mahto Resident of Village- Mataha, Tola-
Budhi Bandh, P.S.- Dumarya, Distt- Gaya ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Arvind Kumar Singh, Advocate
For the Opposite Party : Mr.Anand K Choudhary, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Petitioner apprehends arrest in a case registered for the offences punishable under Section 30a of the Bihar Prohibition and Excise Act on the allegation of recovery of 20 liters of country made Mahua wine from a bush.

Defence of the petitioner is that the recovery has not been made from the conscious possession of the petitioner. He is not concerned with the recovered liquor. Petitioner has got no criminal antecedent. Section 100 Cr.P.C. has not been followed at the time of search and seizure.

Considering the facts of the case, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise Act Gaya in Dumariya Police Station Case No. 29 of 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 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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