

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2767 of 2020**

Arising Out of PS. Case No.-304 Year-2019 Thana- SIKANDRA District- Jamui

Sudhir Yadav @ Sudhir Kumar 27 yrs. Male Son of Kamal Yadav Resident of
Village - Sikandra, P.S.- Sikandra, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudish Kumar

For the Opposite Party/s : Mr.Rajesh Kumar

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

2. 27-02-2020 Heard learned counsel for the parties.

The petitioner apprehends his arrest in Sikandra P.S.

Case No. 304 of 2019 registered for the offence under Sections
272, 273 of the Indian Penal Code and Sections 30(a)(g)/32(2)
of Bihar Prohibition and Excise Act, 2016.

775 liters of foreign liquor is said to have recovered
from a truck, which were being unloaded near a brick-kiln.

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 of said brick-kiln nor he is driver
of truck. Petitioner has also no concern with the aforesaid seized
liquor. Mandatory provision of Section 100 Cr.P.C. has not been
followed with respect to search and seizure. Petitioner is having



no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of his arrest/surrender within a period of six weeks from today, 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 Addl. Sessions Judge 2nd cum Special Judge Excise, Jamui in connection with Sikandra P.S. Case No. 304 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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