

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1253 of 2020

Arising Out of PS. Case No.-315 Year-2019 Thana- MIRGANJ District- Gopalganj

Sonu Kumar Son of Virendra Prasad Resident of Village - Mirganj Near Sai
Mandir, P.S.- Mirganj, District- Gopalganj ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Sanjay Kumar, Advocate
For the Opposite Party : Mr.Shailendra Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-02-2020 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 30(a) of the Bihar Prohibition and Excise Act, 2016.

72.180 liters of foreign liquor was recovered from a bush of the canal, while accused person managed to escape. Petitioner has been named in the FIR as one who fled away from the spot.

Learned counsel for the petitioner submits that nothing has been recovered from the possession of the petitioner. Petitioner has got no criminal antecedent and he is no way concerned with the said liquor. The mandatory provision under Section 100 Cr.P.C. has not been followed at the time of 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) each with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge II, cum Special Judge Excise Act Gopalganj in Mirganj Police Station Case No. 315 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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