

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2770 of 2020

Arising Out of PS. Case No.-309 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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1. Rama Rai Son of Nema Yadav @ Nema Rai Resident of Village - Mustafabad, P.S.- Goreakothi, District- Siwan
 2. Suresh Rai @ Suresh Shasay Son of nema Yadav @ Nema Rai Resident of Village - Mustafabad, P.S.- Goreakothi, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Amarendra Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioners apprehend their arrest in Case No. C-III-309 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3.42 liters of foreign liquor is said to have recovered from the co-accused Md. Samiullah.

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. Petitioners have got no concern with the aforesaid recovery. It is further submitted that mandatory provision of Section 100 Cr.P.C. has not been followed with respect to search and seizure. Petitioners



are 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 petitioners 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan in connection with Case No. C-III-309 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-bonds 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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