

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4130 of 2020

Arising Out of PS. Case No.-372 Year-2019 Thana- MANJHI District- Saran

1. Abhinandan Kumar Son of Shankar Prasad Gupta Resident of Village-Gola Band Road, Police Station-Muzaffarpur Town, District-Muzaffarpur.
2. Sumit Sahgal Son of Sri Ajay Choudhary Resident of Village-Gola Band Road, Police Station-Muzaffarpur Town, District-Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Sunil Prasad Singh, Advocate

For the Opposite Party : Mr.Md. Iftekhar Mahmood, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-01-2020

Heard learned counsel for the parties.

Petitioners are accused in a case registered for the offence punishable under section 30 and 38 of the Bihar Prohibition and Excise Act, 2016.

68.400 liters of Foreign liquor has been seized from City Hoda car which was being driven by petitioner no.1, whereas petitioner no.2 was a co-traveller.

Learned counsel for the petitioners submits that the said seizure has not been made from conscious possession of the petitioners. They are not the owner of the vehicle and were not aware of the nature of assignment kept in the said vehicle and thus they are no way concerned with the recovery. Petitioners have got no criminal antecedent and they are in custody since 25.12.2019 and even mandatory provisions of section 100 Cr.P.C. has not been followed for search and seizure.

In view of the facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let both the petitioners, mentioned above, 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, Saran at Chapra in Manjhi Police Station Case No. 372 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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