

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

Arising Out of PS. Case No.-141 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Santosh Rai @ Santosh Kumar Son of Sri Umesh Rai Resident of Village-
Litiyahi, P.S.-Ganga Bridge, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar
For the Opposite Party/s : Mr.Madan Kumar

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

2 25-02-2020 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner apprehends his arrest in **C2-A Case
No. 141 of 2019**, registered for the offence punishable under
Sections 30(a), 32(i)(3) and 41(1) of the Bihar Prohibition and
Excise Act.

53.640 litres of foreign liquor is said to have been
recovered from a vehicle.

It is submitted that petitioner has falsely been
implicated in this case. Name of this petitioner has come in this
case on the basis of confessional statement of co-accused.
Nothing has been recovered from conscious possession of this
petitioner. Petitioner has no concern with the seized vehicle or
the seized liquor. The provision of section 100 Cr.P.C has not



been followed. Petitioner has got clean antecedent.

Considering the facts aforesaid, the petitioner above-named in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to 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 the learned 2nd Additional Sessions Judge/Special Judge, Excise Act, Vaishali at Hajipur in connection with C2-A Case No.141 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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