

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4118 of 2020

Arising Out of PS. Case No.-78 Year-2018 Thana- GANDHIMAIDAN District- Patna

Sanni Kumar Aged – 20 years, male, Son of Sadan Yadav @ Sadal Prasad
Permanent R/O- Lodipur, P.S.- Punpun, District- Patna.

At present - Lalji Tola, Lallu Gope Gali, Renter in the House of Ishwar
Chandra Chakrabarti, P.S.- Gandhi Maidan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar

For the Opposite Party/s : Mrs. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 23-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Gandhi Maidan P.S. Case No. 78 of 2018 (Spl. Case No. 2498 of 2018) registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016, Sections 20/21/22 of the N.D.P.S. Act and Sections 25(1-B)/A/26 of the Arms Act.

It is a case of recovery of 19.8 liters of foreign liquor, one country-made revolver and 250 gm of *Ganja* from the room of the petitioner.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case, since nothing has been recovered from his conscious possession, rather the aforesaid recovery was made from the room, which was on rent and does



not belong to petitioner. It is further submitted that mandatory provision of Section 100 Cr.P.C. has not been followed with respect to search and seizure. In this case, chargesheet has already been submitted and as such, there is no chance of tampering with the evidence and petitioner is in custody since 09-08-2019

Considering the aforesaid facts and circumstances as well as nature of accusation, 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 Special Judge, Excise, Patna in connection with Gandhi Maidan P.S. Case No. 78 of 2018 (Spl. Case No. 2498 of 2018) 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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