

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3304 of 2020

Arising Out of PS. Case No.-232 Year-2019 Thana- AMAS District- Gaya

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Dharmendra Kumar @ Dharmendra Son of Sri Baban Prasad Soni Resident
of Mohalla- Durga Chauk, Obra Sonar, P.S.- Obra, District- Aurangabad.

... .. 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.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 04-03-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Amas P.S. Case No. 232
of 2019 registered for the offence under Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

300 liters of country-made liquor is said to have
recovered from Bolero vehicle. Petitioner is said to be co-
passenger.

It is submitted on behalf of petitioner that petitioner
has falsely been implicated in this case and nothing has been
recovered from his conscious possession. It is further submitted
that petitioner was only passenger of the said vehicle and he was
unaware of the seized illicit liquor. In this case, mandatory
provision under Section 100 Cr.P.C. has not been followed with
respect to search and seizure. There is also no allegation against



the petitioner of tampering with the evidence and petitioner is in custody since 17-12-2019, having no criminal antecedent.

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, Gaya in connection with Amas P.S. Case No. 232 of 2019 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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