IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4231 of 2020

Arising Out of PS. Case No.-302 Year-2018 Thana- WARISLIGANJ District- Nawada

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Sanjay Singh @ Pinku Singh aged about 35 years, M, S/o Upendra Singh R/o- Mafi, P.S.- Warsaliganj, District- Nawada.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Amresh Kumar Sinha
For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 24-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Wasaliganj P.S. Case No. 302 of 2018 registered for the offence under Sections 30(a)/41 of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is recovery of 1035 liters of foreign liquor from the field near a community hall.

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 the name of petitioner and others has been disclosed by some villagers. It is also 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 there is no allegation of tampering with the evidence against

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the petitioner. It is further submitted that two similarly situated co-accused have already been granted bail by this Hon'ble Court, vide order dated 06-12-2018 in Cr. Misc. No. 73043 of 2018 and order dated 14-10-2019 in Cr. Misc. No. 61829 of 2019 (Annexure 2 to the petition). Petitioner is in custody since 17-12-2019.

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 Addl. District & Sessions Judge 2nd cum Special Judge, Nawada in connection with Warsaliganj P.S. Case No. 302 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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