

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2639 of 2020

Arising Out of PS. Case No.-134 Year-2019 Thana- KEWATI District- Darbhanga

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Kari Yadav S/o Prakash Yadav R/o village- Kadamtoli, P.S.- Keoti, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rudal Singh

For the Opposite Party/s : Mr.Anil Prasad Singh

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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 G.O. Case No. 909 of 2019/Keoti P.S. Case No. 134 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

1769.4 liters of foreign liquor is said to have recovered from a mango orchard.

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 is neither owner of said orchard nor alleged illicit liquor belongs to him. Co-accused Sanjeet Yadav has already been granted bail by this Court, vide order dated 28-02-2020 passed in Cr.Misc. No. 11639 of 2020. 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.

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 2nd Addl. Sessions Judge cum Special Judge (Excise Act), Darbhanga in connection with G.O. Case No. 909 of 2019/Keoti P.S. Case No. 134 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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