

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4292 of 2020

Arising Out of PS. Case No.-116 Year-2019 Thana- BEERPUR District- Begusarai

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Ino Tanti @ Inderdev Tanti S/o Late Bishni Tanti, resident of village-
Lakhanpur (Nawtoliya), P.S.- Birpur, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar

For the Opposite Party/s : Mr.Asha Devi

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-01-2020

Heard learned counsel for the parties.

The petitioner seeks bail in connection with Birpur P.S.
Case No.116 of 2019 registered for the offence under Sections
30(a)/32 of the Bihar Prohibition and Excise(Amendment) Act, 2018.

On the basis of secret information, 105.45 liters of illicit
foreign liquor is said to have been recovered by the police from a
house of the petitioner.

It is submitted on behalf of the petitioner that the
petitioner has falsely been implicated in this case due to village
politics. It is also submitted that nothing has been recovered from
conscious possession of the petitioner, rather it was recovered from
the house of the petitioner, which was under construction, situated in
an open field. It is further submitted that mandatory provision of
Section 100 Cr.P.C. has not been followed with respect to search and
seizure. There is no allegation against the petitioner of tempering



with the evidence and the petitioner is in custody since 05.11.2019, having clean antecedent.

Considering the aforesaid facts and circumstances as well as nature of allegation, let the petitioner, named above, be released 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 Additional Sessions Judge-II -cum- Special Judge, Excise Act, Begusarai in connection with Birpur P.S. Case No.116 of 2019 on the following conditions:-

(1) 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 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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