

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3847 of 2020

Arising Out of PS. Case No.-372 Year-2019 Thana- MANJHI District- Saran

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1. Vikash Kumar Singh S/o Hari Dayal Singh R/o village- Amnour (Jan Par), P.S.- Amnour, District- Saran
 2. Golchi Kumar S/o Ram Dayal Rai R/o village- Mungrahi, P.S.- Ganga Bridge Hajipur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioner seeks bail in Filing No. 11107/19, Reg. No. 4351/19, arising out of Manjhi P.S. Case No. 372 of 2019 registered for the offence under Sections 30/30(a)/38(I)(II) of Bihar Prohibition and Excise Act, 2016.

205.5 liters of foreign liquor is said to have recovered from the dickey of Ambassador car, and petitioner no. 1 is said to be driver of the same and petitioner no. 2 is co-passanger.

It is submitted on behalf of petitioners that petitioners has falsely been implicated in this case and nothing has been recovered from their conscious possession. It is further submitted that petitioners were unaware of the consignment, which was loaded in the vehicle and they are in custody since



25-12-2019. 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 petitioners of tampering with the evidence. Petitioners have clean antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Saran at Chapra in connection with Filing No. 11107/19, Reg. No. 4351/19, arising out of Manjhi P.S. Case No. 372 of 2019 on the following conditions:

“(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the Court below.

(2) If the petitioners tamper 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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