

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4235 of 2020

Arising Out of PS. Case No.-7 Year-2020 Thana- BARHARA KOTHI District- Purnia

1. Bipin Kumar Son of Brahmdeo Mandal Resident of Village - Magurjan Ward No.05, P.S.- Barhara, Distt.- Purnia.
2. Sourabh Kumar Son of Brahmdeo Mandal Resident of Village - Magurjan Ward No.05, P.S.- Barhara, Dist.- Purnia.

... .. Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Arvind Kumar Tewary, Advocate

For the Opposite Party : Mr.Bharat Bhushan, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-01-2020 Heard learned counsel for the parties.

Petitioners are accused in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

There is recovery of 150 liters of foreign liquor from petitioners' eggs shop.

Learned counsel for the petitioners submits that the recovery has not been made from the conscious possession of the petitioners. They are not concerned with the said recovery. Even mandatory provisions of section 100 Cr.P.C. has not been followed for search and seizure. Petitioners clam that they have no criminal antecedent and they are in custody since 4.1.2020.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be released 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 Additional Sessions Judge II cum Special Judge Excise Act, Purnea in Barhara Police Station Case No. 7 of 2020/Special Case No. 11/2020, on the following conditions:-

(1) Petitioners 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 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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