

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3643 of 2020

Arising Out of PS. Case No.-313 Year-2019 Thana- CHAUSA District- Madhepura

1. Ram Pravesh Kumar S/o Dev Krishna Yadav R/o village- Ghoghanpatti, P.S.- Sour Bazar, District- Saharsa
2. Bhim Kumar S/o Bhutani Paswan R/o village- Ghoghanpatti, P.S.- Sour Bazar, District- Saharsa

... .. Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners	:	Mr.Ashok Kumar, Advocate Mr. Binod Kumar Sinha, Advocate
For the State	:	Mr.Pramod Kr.Pandey, Addl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-05-2020

Heard the parties and perused the case diary.

This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

The petitioners seek regular bail in a case registered for an offence punishable under section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution's case, police party was engaged in checking the vehicles and in the meantime these two petitioners tried to flee away from the spot leaving one Auto rickshaw. Police, however, arrested them and on search recovered 253.640 liters of illegal Foreign Liquor from the Auto rickshaw.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. He submits that in fact police arrested these petitioners on suspicion when they were returning by the said Auto rickshaw from their relative's house. They have got no criminal antecedent and are in custody since 16.11.2019. Provisions of section 100 Cr.P.C.



have not been followed by the police at the time of search and seizure. Charge sheet has also been submitted in the case.

Learned Addl.P.P. did not controvert the facts.

Taking into consideration the facts and circumstances of the case, let both the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Madhehpura in Chausa Police Station Case No. 313/2019, Excise Act Case No. 1180/2019 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-bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the concerned Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future



use, if any.

(iv) Registry to communicate this order to learned counsel for both the parties on their e-mail address, if available. Registry will also ensure uploading of this order and communication to the court below immediately.

(Prabhat Kumar Singh, J)

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