

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3970 of 2020

Arising Out of PS. Case No.-490 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

1. Sagar Kumar Son of Ranjeet Kumar Tiwari @ Suresh Rai
2. Rahul Kumar Son of Dilip Kumar
Both resident of Village - Kurji Makhdumpur, P.S.- Digha, District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma
For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-01-2020 Heard learned counsel for the parties.

The petitioners seek bail in connection with Siwan Muffasil P.S. Case No.490 of 2019 registered for the offence under Sections 272, 273 of the Indian Penal Code and Sections 30(a)/41(1) of the Bihar Prohibition and Excise Act,2018.

It is case of recovery of 120.96 liters of foreign liquor from a vehicle, in which the petitioner no.1 is driver and the petitioner no.2 is a Khalasi.

It is submitted on behalf of the petitioners that the petitioners have falsely been implicated in this case, since nothing has been recovered from their conscious possession. It is further submitted that petitioners have no knowledge that in the consignment there were illegal liquor. 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 petitioners of



tampering with the evidence and petitioners are in custody since 25.12.2019 having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let both the petitioners, named 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 learned Additional District and Sessions Judge-II-cum- Special Judge, Excise, Siwan in connection with Siwan Muffasil P.S. Case No.490 of 2019 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 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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