

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4082 of 2020

Arising Out of PS. Case No.-612 Year-2019 Thana- SHERGHATI District- Gaya

Arvind Yadav Son of Late Hari Lal Yadav, resident of Village- Mausidih, P.S.-
Dobhi, Distt- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioner seeks bail in connection with Sherghati
(Dobhi) P.S. Case No.612 of 2019 registered for the offence
under Section 30(d) of the Bihar Prohibition and Excise
Act,2016.

It is case of recovery of 1320 Kg of Mahua flower
from a godown.

It is submitted on behalf of the petitioner that the
petitioner has falsely been implicated in this case since nothing
has been recovered from his conscious possession, rather it is
recovered from a godown, which was being used by many other
village people for keeping the bags of Mahua flower for the
purpose of cattle's feed. 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 tampering with the evidence and petitioner is in custody since 26.12.2019 having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, 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 Special Judge, Excise Act, Gaya in connection with Sherghati (Dobhi) P.S. Case No.612 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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