

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3943 of 2020

Arising Out of PS. Case No.-771 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Rajan Kumar S/o Radhe Shyam Ray R/o village- Kumma Narha, P.S.-
Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate
For the Opposite Party/s : Mrs.Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 22-01-2020 Heard learned counsel for the petitioner and the State.
- The petitioner seeks bail in **C-2 Case No. 771 of 2019**, registered for the offence punishable under Section 30(A) of the Bihar Prohibition and Excise Act, 2016.
- 41 litres of Nepal Saufi wine is said to have been recovered from possession of this petitioner.
- It is submitted by learned counsel appearing on behalf of petitioner that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from possession of this petitioner. Provision of section 100 Cr.P.C has not been followed. Petitioner is in custody since 26.12.2019 having clean antecedent.
- Considering the facts aforesaid, the petitioner above-



named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Additional District and Sessions Judge II-cum-Special Judge Excise Act, Sitamarhi** in connection with **C-2 Case No. 771 of 2019**, subject to the following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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