

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4238 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- SAHAR District- Bhojpur

1. Jitendra Mahato Son of Rahul Anil Kumar Resident of Village - Hilsa, P.S.- Nawada, Distt.- Nalanda.
2. Mantu Yadav Son of Late Ram Pravesh Yadav Resident of Village - Chal Rahiya, P.S.- Gaurichak, Distt.- Patna.
3. Sonu Kumar Son of Shri Satya Narayan Prasad Resident of Village - Brahma Sthan, P.S- Hilsa, Dist.- Nalanda

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Shiv Prasad Gupta, Advocate

For the Opposite Party : Mr.Jai Narain Thakur, 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 49.35 liters of foreign liquor from Tata Magic vehicle. Petitioners were arrested near the said vehicle.

Learned counsel for the petitioners submits that the recovery has not been made from the conscious possession of the petitioners. Petitioners are not the owner of the vehicle. 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 claim clean 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 petitioners is allowed. Let the petitioners,



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 IV cum Special Judge Excise Act, Bhojpur at Ara in Sahar Police Station Case No. 2/2020/Excise case no.32/2020, 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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