

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4025 of 2020

Arising Out of PS. Case No.-347 Year-2019 Thana- SAHEBPUR KAMAL District-
Begusarai

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Rishideo Yadav aged about 48 years (Male) Son of Late Mahendra Yadav
Resident of Village - Kharhat, P.S.- Sahebpur Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh
For the Opposite Party/s : Mr. Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioner seeks bail in Sahebpur Kamal P.S. Case
No. 347 of 2019 registered for the offence under Section 30(a)
of Bihar Prohibition and Excise Act, 2016.

It is case of recovery of 51 liters of foreign liquor
from the motorcycle of the petitioner.

It is submitted on behalf of petitioner that petitioner
has falsely been implicated in this case and nothing has been
recovered from his conscious possession. It is further submitted
that the motorcycle in question does not belong to the petitioner
and only due to village politics, he has been implicated. It is also
submitted that mandatory provision of Section 100 Cr.P.C. has
not been followed with respect to search and seizure. There is



also no allegation against the petitioner of tampering with the evidence and petitioner is in custody since 29-11-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner 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 learned A.D.J.-2nd cum Special Judge (Excise), Begusarai in connection with Sahebpur Kamal P.S. Case No. 347 of 2019 on the following conditions:

“(1) Petitioner 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 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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