

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4641 of 2020

Arising Out of PS. Case No.-135 Year-2019 Thana- BIHPUR District- Bhagalpur

Amresh Kumar Sharma Son of Naresh Sharma Resident of Village-
Madhurapur, P.S-Bhawanipur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey
For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 04-03-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Bihpur (Bhawanipur)
P.S. Case No. 135 of 2019 registered for the offence under
Sections 30(a)/38(1) of Bihar Prohibition and Excise Act, 2016.

160.68 liters of foreign liquor is said to have
recovered from a Magic pick-up van.

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. Petitioner has no
concern either with the seized liquor or the vehicle. It is further
submitted that owner of the pick-up van namely Pawan Mandal
has already been granted bail by this Court, vide order dated
31-07-2019 passed in Cr.Misc. No. 47490 of 2019 (Annexure -
2). 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 01-12-2019, 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 2nd Additional Sessions Judge cum Special Judge, (Excise Act), Bhagalpur in connection with Bihpur (Bhawanipur) P.S. Case No. 135 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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