

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23168 of 2020**

Arising Out of PS. Case No.-81 Year-2020 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Lakshman Kumar Son of Arun Ram Resident of Mohalla - Nitieshwar Marg,
Amgola under over bridge, P.S.- Kazi Mohammadpur, District - Muzaffarpur
... .. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr.Hari Kishore Thakur, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 08-09-2020 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor representing the State.

The petitioner seeks bail in a case registered for the
offence punishable under sections 30a, 38/41 of the Bihar
Prohibition and Excise Act.

Police raided a house of one Shahil Kumar and
recovered total 82.620 liters of foreign liquor. Petitioner and
other accused persons, said to be involved in the liquor trade,
managed to escape anyhow.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to dirty
mohalla politics. He submits that nothing has been recovered
from his house and petitioner is no way related with the said
recovery. Petitioner has got no criminal antecedent and he is in
custody since 29.5.2020. The mandatory provision of law for



search and seizure given under section 100 Cr.P.C. has not been followed.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above 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 Special Judge Excise Act, Muzaffarpur in Kazi Mohammadpur Police Station Case No. 81 of 2020, 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 on his/her absence on two consecutive dates without sufficient reason, his/her 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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