

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23223 of 2020**

Arising Out of PS. Case No.-291 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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RAJIV KUMAR @ SUNNY S/o Tarani Prasad Resident of Motijhil, Shah
pen Gali, P.S.-Town, Police Station-Muzaffarpur, District-Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Shashi Bhushan Singh
For the Opposite Party : Mr. RC Singh, Addl Public Prosecutor

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

2 10-09-2020 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 section 30a of the Bihar Excise and

Prohibition Act.

As per prosecution's case, there is recovery of 48.750

liters of foreign liquor and a Glamour motorcycle from the

house of the petitioner.

Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case due to dirty village politics. The recovery of foreign liquor

has been planted by the Police and the petitioner is no way

concerned with the said recovery and the house in question is a



joint family house. The mandatory provision of law for search and seizure given under section 100 Cr.P.C. has not been followed. Petitioner has got no criminal antecedent and he is in custody since 15.5.2020.

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 Town Police Station Case No. 291 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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