

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23201 of 2020

Arising Out of PS. Case No.-102 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Sudhir Kumar Singh Son of Awadh Narain Singh Resident of Belbanawa,
P.S.- Town Motihari, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Md. Mushtaq Alam

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 09-09-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in Excise Case No. 102 of
2020, registered for the offence under Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

As per F.I.R., altogether 96 liters of foreign liquor
have been recovered from the dickey and middle seat of Swift
Desire Car, bearing Reg. No. BR06AT-4292, and owner
(petitioner) as well as driver were arrested from the said car.

It is submitted on behalf of petitioner that petitioner is
innocent and he has falsely been implicated. It is further
submitted that nothing has been recovered from the conscious
possession of the petitioner. In this case, Section 100 Cr.P.C. has



not been followed with respect to search and seizure. The petitioner is in custody since 20-05-2020, having no criminal antecedent.

Considering the aforesaid facts and circumstances, the bail application is allowed.

Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – 2nd, Gopalganj in connection with Excise Case No. 102 of 2020 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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