

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23196 of 2020

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

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Md. Meraz Son of Md. Seraj 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.A.P.P.

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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., 96 liters of foreign liquor is said to have
been recovered from the dickey and middle seat of Swift Desire
Car, bearing Reg. No. BR06AT-4292, and owner as well as
driver (petitioner) were arrested on the spot.

It is submitted on behalf of petitioner that petitioner is
innocent and has falsely been implicated. In fact, 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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