

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22151 of 2020

Arising Out of PS. Case No.-7 Year-2020 Thana- TARARI District- Bhojpur

Niraj Kumar S/o Rudal Sah Resident of Village- Majhiaon, P.S.- Hasan Bazar,
District- Bhojpur ... Petitioner

Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-08-2020 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the parties.

Petitioner is an accused in a case registered for the
offences punishable under Section 30a of the Bihar Prohibition
and Excise Act.

In course of search, 336.960 liters of foreign liquor is
said to have been recovered from a Tempo while the petitioner
and three other co-accused persons managed to escape.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in this case on
suspicion. Petitioner has got no criminal antecedent and he is in
custody since 13.3.2020. Nothing has been recovered from the
possession of the petitioner nor the petitioner has been arrested
on the spot. He is no way concerned with the recovery of
foreign liquor in question. The mandatory provision of law for
search and seizure given under section 100 Cr.P.C. has not been
followed.

Considering the quantity of recovery as well as the
period of custody of the petitioner, let the petitioner, above
named, be released on bail on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge IV, Bhojpur at Ara in Excise Case No. 54 of 2020/Tarari Police Station Case No. 7 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 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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