

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23274 of 2020

Arising Out of PS. Case No.-8 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

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1. MADAN SAH Son of Hira Sah Resident of Village- Sarisab Pahi, Ward No. -11, P.S.- Pandaul, District- Madhubani.
 2. Jayram Mahto Son of Methar Mahto Resident of Village- Sarisab Pahi, Ward No. -11, P.S.- Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-09-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner seeks bail in Forbesganj Circle Excise P.S. Case No. 08 of 2020 corresponding to Special Case No. 264 of 2020, registered for the offence punishable punishable under Section 30(a) and 32(3) of the Bihar Prohibition and Excise Act, 2018.

90 litres of liquor is said to have been recovered from a car. It is alleged that petitioners were also in that car who were



apprehended by the police.

It is submitted that petitioners have falsely been implicated in this case. Nothing has been recovered from conscious possession of this petitioners. The provision of section 100 Cr.P.C has not been followed. Petitioners have no concern with the seized liquor or the vehicle. Petitioner are in custody since 07.03.2020.

Considering the facts and circumstances of the case, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 2nd-cum-Special Judge, Araria in connection with Forbesganj Circle Excise P.S. Case No. 08 of 2020 corresponding to Special Case No. 264 of 2020, subject to following conditions:-

(i) The petitioners 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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