

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23195 of 2020

Arising Out of PS. Case No.-101 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Sanjay Chaudhary @ Sanjay Chaudhari Son of Wakil Sahani @ Wakil Chaudhari Resident of Village - Majharia, P.S.- Turkaulia, District - East Champaran at Motihari.
 2. Sonu Kumar Son of Laxman Sahani Resident of Village - Majuraha, P.S.- Turkaulia, District - East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan
For the Opposite Party/s : Dr. Indihar Kumari,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioners seek bail in Excise Case No. 101 of 2020, registered for the offence under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per F.I.R., altogether 180 liters of illicit liquor have been recovered from the Indica Car, bearing Reg. No. JH01E-2300, and petitioners were apprehended from the said car.

It is submitted on behalf of petitioners that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioners and since petitioner no. 1 is owner of the said car, he



has been dragged in this case. In this case, Section 100 Cr.P.C. has not been followed with respect to search and seizure. The petitioners are 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 petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each 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. 101 of 2020 on the following conditions:

“(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail-bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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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