

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23231 of 2020

Arising Out of PS. Case No.-272 Year-2020 Thana- MANER District- Patna

1. Deo Lagan Rai Son of Late Triloki Rai Resident of Village- Ratan Tola, P.S.- Maner, District- Patna, at present Village- Lodipur Bagicha, P.S.- Maner, District- Patna.
2. Upendra Rai Son of Deolagan Rai Resident of Village- Ratan Tola, P.S.- Maner, District- Patna, at present Village- Lodipur Bagicha, P.S.- Maner, District- Patna.

... .. Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Sunit Kumar Srivastava, Advocate

For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-09-2020 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor representing the State via Video conferencing.

The petitioners seek bail in a case registered for the offence punishable under section 30a of the Bihar Excise and Prohibition Act.

As per prosecution's case, there is recovery of 105 liters of country made liquor kept in three gallons. Said liquor was being transported by the petitioners on the motorcycle.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to dirty village politics as in fact at the relevant time petitioners were returning from a marriage ceremony. Petitioners are no way concerned with the said recovery. The mandatory provision of law for search and seizure given under section 100 Cr.P.C. has not been followed. Petitioners have got



no criminal antecedent and they are in custody since 31.5.2020.

In the facts of the case, prayer for bail of all the two petitioners is allowed. Let the petitioners mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Patna in Maner Police Station Case No. 272/2020, special case no. 3697/2020, on the following conditions:-

(1) 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 on their absence on two consecutive dates without sufficient reason, their bail bond 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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