

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23232 of 2020

Arising Out of PS. Case No.-208 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. SHANKAR KUMAR Son of Naresh Choudhary @ Naresh Chaudhari
Resident of Village-Paharchak, P.S.-Muffasil, District-Begusarai.
 2. Rajesh Kumar Son of Late Suresh Chaudhary Resident of Village-
Paharchak, P.S.-Muffasil, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

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

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 272 and other sections of the
Indian Penal Code as well as sections 30/32/41 of the Bihar
Excise and Prohibition Act.

As per prosecution's case, there is recovery of 80
liters of mixed toddy kept in three plastic jar. 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 nothing incriminating has
been recovered from the possession of the petitioners.
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. Motorcycle in question belongs to the father of petitioner no.1. Petitioners have got no criminal antecedent and they are in custody since 1.5.2020.

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) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II cum Special Judge, Excise Act, Begusarai in Muffasil Police Station Case No. 208 of 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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