

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23244 of 2020

Arising Out of PS. Case No.-167 Year-2020 Thana- KATEYA District- Gopalganj

Upendra Kumar Sahni @ Upendra Kumar Sahani Son of Inner Sahni @ Inar Sahni @ Inar Sahani Resident of Village - Gridha @ Gidha, O.P. Sripur, P.S.- Phulwariya, District - Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Sanjana, 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 petitioner as well as learned Additional Public Prosecutor representing the State.

The petitioner seeks bail in a case registered for the offence punishable under sections 414/34 of the Indian Penal Code and section 30a of the Bihar Excise and Prohibition Act.

As per prosecution's case, there is recovery of 53.640 liters of illegal liquor from the motorcycle of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He works as a labourer in bricks kiln and the motorcycle belongs to his father. Petitioner is no way concerned with the recovery as the same has not been made from the possession of the petitioner. The mandatory provision of law for search and



seizure given under section 100 Cr.P.C. has not been followed. Petitioner has got no criminal antecedent and he is in custody since 2.6.2020.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner 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 Additional Sessions Judge II cum Special Judge, Excise Act, Gopalganj in Kateya Police Station Case No. 167 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/her absence on two consecutive dates without sufficient reason, his/her 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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