

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24014 of 2020

Arising Out of PS. Case No.-152 Year-2020 Thana- RAJIVNAGAR District- Patna

Aditya Raj Son of Nagina Singh Resident of Mohalla - Indrapuri Keshari
Nagar, P.S. - Patliputra, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Smt. Pushpa Sinha,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 17-09-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State through Video Conferencing.

The petitioner seeks bail in Special Case No. 3567 of 2020, arising out of Rajiv Nagar P.S. Case No. 152 of 2020, registered for the offence punishable under Sections 30(a), 37(b) (c) of Bihar Prohibition and Excise (Amendment) Act 2018.

As per prosecution case, 250.56 litres of foreign liquor is alleged to have been recovered near the *khatal* (cow-shed) of one Brijnarayan Yadav and petitioner alongwith two persons, named in the FIR, were apprehended on the spot in a drunken condition.

It is submitted on behalf of the petitioner that petitioner is innocent and has committed no offence and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner and he is no way



related with the said recovery. Provisions of 100 Cr.P.C. has not been followed with respect to search and seizure. Petitioner is in custody since 22-05-2020, having clean antecedent.

Considering the aforesaid facts, the petitioner above-named, is directed to be released on bail on furnishing bail bond of Rs. 10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna District – Patna in connection with Special Case No. 3567 of 2020, arising out of Rajiv Nagar P.S. Case No. 152 of 2020, subject to following conditions:-

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

(ii) If the petitioner tampers 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 petitioner.

(Prabhat Kumar Singh, J.)

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