

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24030 of 2020

Arising Out of PS. Case No.-97 Year-2020 Thana- BAJPATTI District- Sitamarhi

Md. Akabar Son of Md. Ajij Resident of Village - Madhuban Bazar, P.S. -
Bajpatti, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra
For the Opposite Party/s : Mr.Uma Shankar Pd. Singh

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 Bajpatti P.S. Case No. 97
of 2020, registered for the offence punishable under Sections
30(a) of Bihar Prohibition and Excise Act 2016.

As per prosecution case, 60 litres of Nepali Saufi wine
is alleged to have been recovered from a bush near funeral ghat
and on the disclosure of villagers, petitioner's name has come.

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 due to village politics and
enmity. 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 28-04-2020.

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 Addl. District and Sessions Judge-II cum Special Judge (Excise), Sitamarhi in connection with Bajpatti P.S. Case No. 97 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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