

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 59484 of 2019

Arising Out of PS. Case No.-415 Year-2019 Thana- BAGHA District- West Champaran

Awadhesh Yadav, Son of Madan Yadav, Resident of Village- Khairatwa,
Police Station- Bagaha, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Arbind Kumar Singh, Advocate
For the Opposite Party : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-02-2020 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 272, 273 of the Indian
Penal Code and 30(a) of the Bihar Prohibition and Excise Act,
2016.

81 litres of foreign liquor was recovered from the
culvert in front of the house of Ramnath Prasad. Recovery has
not been made from his conscious possession. Petitioner has got
no criminal antecedent. There is no allegation against the
petitioner of tempering with the evidence. It is further contended
that mandatory provision of Section 100 Cr.P.C. has not been
followed while making search and seizure.

Considering the facts of the case, let the petitioner,
above named, in the event of arrest/surrender before the Court



below within a period of six weeks from the date of receipt of the order, be released 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 learned Special Judge, Excise, Bettiah, West Champaran in Bagaha Police Station Case No. 415 of 2019, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner 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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