

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66132 of 2019

Arising Out of PS. Case No.-260 Year-2019 Thana- BIHIA District- Bhojpur

1. Bhuwar @ Jitendra Yadav aged about 37 years, Male, Son of Raj Kumar Yadav.

2. Dhananjay Prasad @ Dhananjay Kumar, aged about 35 years, Male, Son of Sethi Prasad.

Both Resident of Village - Benwalia, P.S.- Bihiya, Distt - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Ms.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5. 14-02-2020 Heard learned counsel for the parties.

The petitioners apprehend their arrest in Excise Case No. 1356 of 2019, arising out of Bihiya P.S. Case No. 260 of 2019, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is recovery of about seven litres of foreign liquor in front of *gumti* of petitioner no. 1 and it is alleged that both petitioners are indulged in the trade of illicit liquor.

It is submitted on behalf of petitioners that petitioners have falsely been implicated in this case and nothing has been recovered from their conscious possession, rather the alleged recovery has been shown from a public place. It is



further submitted that mandatory provision of Section 100 Cr.P.C. has not been followed with respect to search and seizure. Petitioners are having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of his arrest/surrender within a period of six weeks from today, let the above named petitioners 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 learned Additional Sessions Judge 4th cum Special Judge, Excise, Bhojpur, Arrah in connection with Excise Case No. 1356 of 2019, arising out of Bihiya P.S. Case No. 260 of 2019 on the following conditions:

“(1) Petitioners shall cooperate 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-bonds 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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