

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63481 of 2019

Arising Out of PS. Case No.-166 Year-2019 Thana- RAFIGANJ District- Aurangabad

MISTER MIYA @ MS. MIYA @ MD. SARJIL Son of Sohail Ansari @
Sohail Ahmad Resident of Village - Quazichak, Amarpura, P.S.- Rafiganj,
Distt.- Aurangabad ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Sanjay Kumar, Advocate

For the Opposite Party : Mr.Raj Ballabh Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-01-2020 Heard learned counsel for the parties.

Petitioner is an accused in a case registered for the offence punishable under section 30a of the Bihar Prohibition and Excise Act, 2016 on the allegation of recovery of 8583.40 liters of foreign liquor from his house.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and the recovery is not from his conscious possession rather the same has been made from the joint family house. Section 100 Cr.P.C. has not been followed for search and seizure. Similarly situated co-accused Rajesh Kumar Gupta has already been allowed bail by a bench of this Court vide order dated 13.11.2019, passed in Cr.Mis.No. 69394/2019. Petitioner is in custody since 27.7.2019. Charge sheet has also been filed in the case, as such, there is no chance of tampering with the evidence.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, 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 Additional Sessions Judge VII



cum Special Judge Excise, Aurangabad in GR No. 764/2019, Rafiganj Police Station Case No. 166/2019, 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 his absence on two consecutive dates without sufficient reason, his 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)

Shashi

U		T	
---	--	---	--

