

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 70716 of 2019

Arising Out of PS. Case No.-297 Year-2019 Thana- ALOULI District- Khagaria

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Gholat Sharma aged about 28 years (Male), Son of Gogo Sharma @ Nevi
Sharma Resident of Village - Kamathan, P.S.- Alauli, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Dr. Mayanand Jha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 31-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Alauli P.S. Case No. 297
of 2019 registered for the offence under Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

In this case, recovery of huge quantity of foreign
liquor has been shown from a pick-up van. Petitioner, being
guard of a brick-kiln where the said recovery has been made,
was arrested on the spot.

It is submitted on behalf of petitioner that petitioner
has falsely been implicated in this case and nothing has been
recovered from his conscious possession. It is further submitted
that petitioner has no concern with the pick-up van, from which,
recovery has been made. He was simply standing there, since he
was guard of the brick-kiln. In this case, mandatory provision of



Section 100 Cr.P.C. has not been followed with respect to search and seizure. There is also no allegation against the petitioner of tampering with the evidence and petitioner is in custody since 31-08-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Khagaria in connection with Alauli P.S. Case No. 297 of 2019 on the following conditions:

“(1) Petitioner 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 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.)

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