

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73535 of 2018

Arising Out of PS. Case No.-162 Year-2018 Thana- DIDARGANJ District- Patna

Bhola Yadav @ Bhola Ray Son of Late Ranjit Rai, Resident of Village-
Didarganj, Police Station- Didarganj, District- Patna ... Petitioner
Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Rajiva Ranjan, Advocate
For the Opposite Party : Mr.Bisheshwar Ram, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 14-02-2020 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 30(a)/38(I) of the Bihar
Prohibition and Excise Act, 2016.

There is allegation of recovery of about 139 liters of
foreign liquor from near Ganga ghat.

Learned counsel for the petitioner submits that the
recovery of aforesaid liquor has not been made from conscious
possession of the petitioner. Petitioner is no way concerned with
the recovered illegal liquor. Even the motorcycle which was
seized on the spot, does not belong to him, still police has
named the petitioner on the basis of previous enmity with it. The
mandatory provision under Section 100 Cr.P.C. has not been
followed at the time of 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) with two sureties of the like amount



each to the satisfaction of the learned Additional Sessions Judge II, cum Special Judge Excise Act Siwan in Excise Special case no. 8518 of 2018/Didarganj Police Station Case No. 162 of 2018, 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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