

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75352 of 2019

Arising Out of PS. Case No.-542 Year-2019 Thana- NARPATGANJ District- Araria

Abhishek Kumar Son of Kuldeep Kumar Mandal @ Kuldeep Mandal
Resident of Village - Pachira, P.S.- Raniganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Mandal, Advocate

For the Opposite Party/s : Mrs.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 31-01-2020 Heard learned counsel for the petitioner and
Additional Public Prosecutor for the State.

The petitioner seeks bail in **Narpatganj P.S. Case No. 542 of 2019 Special Case No. 1231 of 2019**, registered for the offence punishable under Sections 30(a), 38(2) of the Bihar Excise Act, 2016.

45 litres of foreign liquor and 600 ml. Cough syrup is alleged to have been recovered from the house of Ganesh Yadav. Petitioner and other co-accused were apprehended on the spot.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner has falsely been implicated in this case. Nothing has been recovered from conscious possession of this petitioner. The house does not belong this petitioner. The provision of section 100 Cr.P.C has not been followed. Charge sheet has already been submitted. There is no allegation of



tampering with the evidence against this petitioner. Co-accused Ganesh Yadav has been granted bail by this court vide order dated 25.11.2019 passed in Cr. Misc. No. 73937 of 2019. Petitioner is in custody since 16.09.2019.

Considering the facts aforesaid, the petitioner above-named, is directed to 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 the learned **2nd Additional Sessions Judge-cum-Special Judge, Araria** in connection with **Narpatganj P.S. Case No. 542 of 2019 Special Case No. 1231 of 2019**, subject to the conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, her bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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