

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71595 of 2019**

Arising Out of PS. Case No.-66 Year-2019 Thana- KHIRHAR District- Madhubani

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AJAY THAKUR Son of Ramchandra Thakur Resident of Village - Khirhar,
P.S.- Khirhar, District – Madhubani ... Petitioner/s

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, Addl Public Prosecutor

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 17-02-2020 Heard learned counsel for the parties.

Petitioner apprehends arrest in a case registered for the offence punishable under section 30a of the Bihar Prohibition and Excise Act, 2016.

22.200 liters of foreign liquor has been recovered from a bag kept on a motorcycle.

Learned counsel for the petitioner submits that the petitioner's name has come in the case on the confessional statement of co-accused who has been arrested on the spot. Even the alleged motorcycle does not belong to the petitioner, nor he is anyway connected with the alleged liquor. Petitioner has got no criminal antecedent. There is no allegation of tampering with the evidence. Mandatory provisions of section 100 Cr.P.C. has not been followed for search and seizure.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within a period of six weeks from today, 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 II cum Special Judge, Excise, Madhubani in Khirhar Police Station Case No. 66/2019/GR No.1738 of 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)

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