

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73205 of 2019

Arising Out of PS. Case No.-490 Year-2019 Thana- SHERGHATI District- Gaya

Nitish Kumar, aged about 19 years, Male, Son of Kali Yadav Resident of Village - Mai Bigha, P.S.- Rafiganj, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Lilawati Singh

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioner seeks bail in Sherghati P.S. Case No. 490 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is case of recovery of 60 liters of Mahua wine from the motorcycle of the petitioner, on which, petitioner was travelling.

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 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 17-10-2019, 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, Gaya in connection with Sherghati P.S. Case No. 490 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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