

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74479 of 2019**

Arising Out of PS. Case No.-275 Year-2019 Thana- KAUWAKOL District- Nawada

1. Tufani @ Tufani Saw @ Ajit Saw (Male) aged about 28 years, Son of Ramswarup Saw Resident of Village-Pachamba, P.S.-Kawakole, District-Nawada.
2. Gore Kumar @ Dinesh Kumar (Male) aged about 31 years, Son of Sukhdev Saw Resident of Village-Rani bazar, P.S.-Kawakole, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Deepak Kumar  
For the Opposite Party/s : Ms.Renu Kumari

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

2. 13-02-2020 Heard learned counsel for the parties.

The petitioners apprehend their arrest in Kawakole P.S. Case No. 275 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is a case of recovery of altogether 80 liters of *Mahua* wine from a motorcycle and two persons were arrested on the spot, who disclosed the name of petitioners, as the persons, who fled away.

It is submitted on behalf of petitioner that petitioners have falsely been implicated in this case, since nothing has been recovered from their conscious possession. It is further submitted that petitioners' name has come only on the



basis of confession of apprehended persons. Mandatory provision of Section 100 Cr.P.C. has not been followed with respect to search and seizure. Petitioners are having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of their arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Addl. Sessions Judge-cum-Special Judge, Nawada in connection with Kawakole P.S. Case No. 275 of 2019 on the following conditions:

“(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the Court below.

(2) If the petitioners 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.)**

anay

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

