

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1257 of 2020

Arising Out of PS. Case No.-840 Year-2019 Thana- KHAGARIA District- Khagaria

Sanni Kumar Son of Gorakh Yadav Resident of Village - Baluahi, P.S.-
Khagaria, District- Khagaria ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party : Mr.Mritunjay Kr Nirala, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-02-2020 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 section 30(a) of the Bihar Prohibition and Excise Act, 2018.

290 bottles each containing 100 ml cough syrup were seized from a four wheeler and a scooty, while two accused persons managed to escape to see the police party.

Learned counsel for the petitioner submits that nothing has been recovered from the possession of the petitioner. Petitioner has got no criminal antecedent and he is neither the driver of the vehicles nor the owner of the same. 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge



Excise Act, Khagaria in Khagaria Police Station Case No. 840 of 2019/GR No. 3323 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 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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