

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.564 of 2020

Arising Out of PS. Case No.-341 Year-2019 Thana- SIRDALA District- Nawada

MUNDRIKA PRASAD Son of Rupchand Prasad Resident of Village -
Kosambhatri, P.S.- Sirdala, Distt.- Nawada ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Anish Kumar, Advocate
For the Opposite Party : Mr.Parmanand Prasad, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-02-2020 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 Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

There is allegation of recovery of about 200 liters of
liquor near the Anganbari center.

Learned counsel for the petitioner submits that the
recovery has been made from a public place and he is no way
concerned with the recovery, as the same has not been recovered
from his conscious possession. 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 Additional
Sessions Judge II cum Special Judge Excise Act, Nawada in
Sirdala Police Station Case No. 341/2019, 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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