

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85946 of 2019

Arising Out of PS. Case No.-193 Year-2019 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Surendra Prasad Son of Ramanand Prasad Resident of Village- Kartalpur,
P.S.- G.B. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 12-05-2020 Due to COVID-19 Pandemic, the matter is being taken
up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders'
under the orders of Hon'ble the Chief Justice at the instance of the
learned counsel for the petitioner.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered under
Sections 30(a)/36/38/41(1) of the Bihar Prohibition and Excise Act,
2016 and 25(1)(A)(B)/26/35 of the Arms Act.

The prosecution case, in short, is that 708 liters wine and
one country made pistol are recovered.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 29.10.2019. Charge sheet has been
submitted in this case. There is no allegation of tampering of



witnesses against the petitioner. The name of the petitioner has transpired in the present case merely on the basis of secret information. The source and genuineness of secret information has not been disclosed by the prosecution. It is alleged that 708 liters wine and one country made pistol are recovered from the house of one Bishno Mahto. The petitioner had no knowledge regarding the alleged incident. There is no recovery from the conscious possession of the petitioner. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, is directed to be released on bail on his personal bond to the satisfaction of Additional Sessions Judge-cum-Special Judge (Excise), Siwan in connection with G.B. Nagar P.S. case No.193 of 2019.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/Pankaj

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