

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85949 of 2019

Arising Out of PS. Case No.-1192 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

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1. Rambabu Sah Male, aged about 35 years, Son of Sharwan Sah Resident of Village - Maulaganj, Ward No.1, P.S.- Sadar, Distt.- Darbhanga.
 2. Amit Kumar Male, aged about 21 years, Son of Dukhi Sharma Resident of Village - Chunabhati, Flower Mills, P.S.- L.N.M.U. , Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 18-03-2020 Heard learned counsel for the parties.

The petitioners seek bail in G.O. Case No. 1192 of 2019, arising out of P.R. No. 19 of 2019, registered for the offence under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

432 liters of Nepali liquor is said to have recovered from Mahindra XYLOD2 vehicle and petitioners were apprehended on the spot.

It is submitted on behalf of petitioners that petitioners have falsely been implicated in this case and nothing has been recovered from their conscious possession. It is further submitted petitioners have no concern either with the seized



liquor or vehicle. Mandatory provision of Section 100 Cr.P.C. has not been followed with respect to search and seizure. In this case, chargesheet has already been submitted and as such, there is no chance of tampering with the evidence and petitioners are in custody since 22-11-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioners be released on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge cum Special Judge (Excise), Darbhanga in connection with G.O. Case No. 1192 of 2019, arising out of P.R. No. 19 of 2019.

(Prabhat Kumar Singh, J.)

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