

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40537 of 2020

Arising Out of PS. Case No.-236 Year-2017 Thana- BARHARA District- Bhojpur

Chhote Singh @ Dhanjeet Singh S/O Bachcha Singh R/o Village- Neknam
Tola, P.S.- Barahara, Distt- Bhojpur at Ara ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-02-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

Petitioner seeks bail in a case registered for the offence
punishable under Section 30a of the Bihar Prohibition and
Excise Act.

As per the prosecution case, on secret information raid
was conducted and this petitioner along with other co-accused
was arrested on the spot and from the place 72 liters of foreign
liquor has been recovered.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. No incriminating material has been recovered from the
conscious possession of the petitioner and he is no way
concerned with the alleged recovery. He is also not the owner of
the boat and the motorcycles in question. The mandatory
provision of law for search and seizure given under section 100



Cr.P.C. has not been followed. Charge sheet has already been submitted. Petitioner is in custody since 5.9.2020.

Considering the facts of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge IV cum Special Judge, Excise Act Bhojpur at Ara in Excise Case No. 5302 of 2017/Barahara Police Station Case No. 236/2017 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/her absence on two consecutive dates without sufficient reason, his/her 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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