

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40666 of 2020

Arising Out of PS. Case No.-312 Year-2020 Thana- BUXAR District- Buxar

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Sanoj Kumar Son of Shiv Charan Rajbhar Resident of Village- Sarasti Dera
(Itarhi Block ke pass) P.S.- Itarhi, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Addl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 23-02-2021 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State.

The petitioner seeks bail in Buxar (Town) P.S. Case
No. 312 of 2020, registered for the offence under Section 30(a)
of Bihar Prohibition and Excise (Amendment) Act, 2018.

On secret information, during patrolling duty, a
Bolero Pickup van was searched and total 1136.880 liters of
illicit foreign liquor has been recovered and this petitioner was
arrested on the spot.

It is submitted on behalf of petitioner that petitioner is
neither owner nor driver of the seized pick-up van and he has no
concern with the seized liquor. It is further submitted that
Section 100 Cr.P.C. has not been followed with respect to search
and seizure. The petitioner is in custody since 21.07.2020,



having no criminal antecedent, as stated in paragraph – 3 of the petition.

Considering the aforesaid facts and circumstances, the bail application of petitioner is allowed.

Let the above-named petitioner 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 learned ADJ-II cum S.J.(Ex.), Buxar, in connection with Buxar (Town)

P.S. Case No. 312 of 2020 on the following conditions:

“(1) Petitioner shall cooperate 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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