

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.72990 of 2019**

Arising Out of PS. Case No.-197 Year-2019 Thana- ROSERA District- Samastipur

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Madhav Ray @ Madhav Kumar Ray Son of Rambabu Ray Resident of  
Village- Bhirha, P.S.- Rosera, District- Samastipur ... Petitioner  
Versus

The State of Bihar ... Opposite Party

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**Appearance :**

For the Petitioner : Mr.Vinay Kumar Mishra, Advocate  
For the Opposite Party : Mr.Manoj Kumar, Addl Public Prosecutor

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
ORAL ORDER

2      25-11-2019                      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 272/273/34 of the Indian Penal Code and Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

There is allegation of recovery of some liquor from the motorcycle, whose owner was the petitioner. At the time of recovery, petitioner fled away from the scene.

Learned counsel for the petitioner submits that in fact he was not aware that who was using his motorcycle at the time of alleged recovery. Petitioner is not concerned with the seized liquor and nothing has been recovered from his conscious possession and he has got no criminal antecedent. 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 petitioners, 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) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VII cum Special Judge Excise Act, Samastipur in Rosera Police Station Case No. 197 of 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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