

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 3931 of 2020**

Arising Out of PS. Case No.-245 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

Parvind Singh @ Lamboo Singh @ Parvin Kumar Singh Son of Late
Raghuwendra Singh Resident of Village - Nadawan, P.S.- Buxar (Muffsil),
District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Roy

For the Opposite Party/s : Mr.Amarendra Prasad

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

2. 29-02-2020 Heard learned counsel for the parties.

The petitioner apprehends his arrest in Buxar (Muffasil) P.S. Case No. 245 of 2019, Ex.GR. No. 722 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

It is a case of recovery of about 5312 liters of foreign liquor from a truck, bearing registration no. UP65AR-8137 and it is alleged that petitioner alongwith other co-accused have fled away from the spot after noticing the police party.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case and nothing has been recovered from his conscious possession. It is further submitted that mandatory provision of Section 100 Cr.P.C. has not been followed with respect to search and seizure. Petitioner is having no criminal antecedent.



Considering the aforesaid facts and circumstances of the case, I am inclined to grant anticipatory bail to the above-named petitioner, subject to deposit of Rs. 50,000/- (fifty thousand) in the court below and on deposit of the aforesaid amount, in the event of his arrest/surrender within a period of six weeks from today, the above named petitioner be enlarged 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 Additional District and Sessions Judge IInd cum Special Judge (Excise Act), Buxar in connection with Buxar (Muffasil) P.S. Case No. 245 of 2019, Ex.G.R.No. 722 of 2019 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.”

It is made clear that such deposit of Rs. 50,000/- (fifty thousand) shall abide by the outcome of the criminal case.

(Prabhat Kumar Singh, J.)

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