

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3579 of 2020

Arising Out of PS. Case No.-357 Year-2019 Thana- MOTIPUR District- Muzaffarpur

Upendra Rai S/O Shambhu Rai Resident of Village - Mahammadpur Ballami,
P.S. - Motipur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner apprehends his arrest in **Motipur P.S.**
Case No. 357 of 2019, registered for the offence punishable
under Sections 272, 273 of the Indian Penal Code and section
30(a) of the Bihar Prohibition and Excise Act, 2018.

820.8 litres of foreign liquor and 175 litres of spirit is
said to have been recovered from the Bathan of co-accused.

It is submitted that petitioner has falsely been
implicated in this case. Nothing has been recovered from
conscious possession of this petitioner. The Bathan does not
belong to this petitioner. The provision of section 100 Cr.P.C has
not been followed. Other co-accused has been granted bail by a
coordinate Bench of this court vide order dated 19.11.2019



passed in Cr. Misc. No. 69599 of 2019. Petitioner has got clean antecedent.

Considering the facts aforesaid, I am inclined to grant anticipatory bail to the petitioner above-named, subject to deposit of Rs. 50,000/- in the court below and on deposit of the aforesaid amount, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to 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 the learned **Special Judge, Excise, Muzaffarpur** in connection with **Motipur P.S. Case No. 357 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioner.

Such deposit of Rs. 50,000/- shall abide by the
outcome of the criminal case.

(Prabhat Kumar Singh, J)

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