

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 3960 of 2020

Arising Out of PS. Case No.-147 Year-2019 Thana- AWTARNAGAR District- Saran

Shiv Kumar Son of Mathura Pandit Resident of Village- Mahmoodchak, P.S.-
Nayagaon, Distt- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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 Awtar Nagar P.S. Case No. 147 of 2019 registered for the offence under Sections 188/272/273/308/34 of the Indian Penal Code and 30/30(a)/38 of Bihar Prohibition and Excise Act, 2016.

One litre country-made liquor is said to have recovered from the pillion-rider of the motorcycle, of which, driver fled away. Petitioner is owner of the motorcycle.

It is submitted on behalf of petitioner that motorcycle of the petitioner was taken away by younger brother of his brother-in-law (*Behnoi*), who was carrying liquor on the motorcycle without any knowledge or consent of the petitioner. It is further submitted that mandatory provision of Section 100 Cr.P.C. has not been followed with respect to search and seizure. Petitioner has no criminal antecedent.



Considering the aforesaid facts and circumstances, let the above-named petitioner, in the event of arrest or surrender within a period of six weeks from today, be granted anticipatory bail, subject to condition that an amount of Rs. 10,000/- (ten thousand) be deposited in the court below, on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge cum Special Judge, Excise, Saran in connection with Awtarnagar P.S. Case No. 147 of 2019, subject to condition, as laid down under Section 438(2) of the Cr.P.C.

It is made clear that such deposit of Rs. 10,000/- (ten thousand) shall abide by the outcome of the criminal case.

(Prabhat Kumar Singh, J.)

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