

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.750 of 2020**

Arising Out of PS. Case No.-799 Year-2019 Thana- MADHAURAH District- Saran

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Nabin Rai @ Naveen Anand Son of Shankar Rai Resident of Village -  
Silhauri, P.S.- Madhaurah, District- Saran at Chhapra ... Petitioner

Versus

The State of Bihar ... Opposite Party

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**Appearance :**

For the Petitioner : Mr.Rananjay Kumar, Advocate

For the Opposite Party : Indu Kumari Srivastava, Addl Public Prosecutor

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

2      19-02-2020                      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 30,32 and 41 of the  
Bihar Prohibition and Excise Act, 2016.

Police apprehended two persons with 10.62 liters of  
foreign liquor who disclosed that they along with the petitioner  
were engaged in this illegal business.

Learned counsel for the petitioner submits that the  
petitioner is no way concerned with the recovery, as the same  
has not been recovered from his conscious possession.  
Petitioner 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 petitioner,



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 II cum Special Judge Excise Act, Saran at Chapra in Madhaurah Police Station Case No. 799/2019, 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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