

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81041 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- DUMARIAGHAT District- East
Champaran

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Roopam Pathak @ Roopam Kumar Pathak, Son of Late Chandra Mohan Pathak, Resident of Village-Pakari, P.S-Dumariya Ghat, District-East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-12-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking anticipatory bail in connection with Dumariya Ghat P.S. Case No. 44 of 2019 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the alleged recovery was made from the orchard of Kanhaiya Misir, the alleged place of recovery does not belong to the petitioner. The petitioner is alleged to be identified as the person who escaped



seeking the police where it has not been alleged that the petitioner was carrying the same or having the same and the liquor was left by him.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of this case, wherein it is the submission of learned counsel for the petitioner that the informant who is Sub-Inspector of Police has himself stated as to who were the persons in the police force with him at the time of conducting raid and has not stated that the Mahal Choukidar was also with him but later on when the illicit liquor was recovered from an orchard belonging to one Kanhaiya Misir, he has brought the name of this petitioner in this case alleging that he was the person who had fled away and was identified by the Mahal Choukidar, as also further submission that prior to this case the petitioner has no criminal antecedent of similar nature, the recovery having been made of approximately 4.9 litres of illicit liquor from the orchard of another person, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to



the satisfaction of learned 9th Additional Sessions Judge-cum-Special Judge, Excise, East Champaran in connection with Dumariya Ghat P.S. Case No. 44 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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