

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73907 of 2019

Arising Out of PS. Case No.-149 Year-2019 Thana- THAWE District- Gopalganj

SRI RAM Son of Harihar Prasad Resident of Village - Lakri Dargah, P.S.
Barharia, District - Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in this case is seeking anticipatory bail in connection with Thawe P.S. Case No. 149 of 2019 registered for the offences punishable under Sections 414/34 of the Indian Penal Code and Section 30 (a) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that there is no recovery from conscious possession of the petitioner and also the petitioner has no concern with the Scorpio vehicle from which the alleged recovery of illicit liquor has been made. It is submitted that name of the petitioner has been disclosed by the apprehended person before the Police and the petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer of



anticipatory bail.

Considering the facts and circumstances of the case wherein it is the submission of the petitioner that the Scorpio in question from which the recovery has been made does not belong to him and that he has no criminal antecedent and his name has transpired only in the confessional statement of Naushad Ali who was apprehended by the Police with the vehicle but there is no other independent material to connect with the present case at this stage, let the petitioner above named in case of his arrest or surrender within a period of four weeks from today in Thawe P.S. Case No. 149 of 2019 be released on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special judge, Excise (Gopalganj), subject to the conditions 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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