

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80942 of 2019

Arising Out of PS. Case No.-514 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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RAM BRIKSH RAI @ RAMPRIKSHA RAI Son of Late Jugeshwar Bhagat
R/O - Aadharpur, P.S.- Samastipur Muffasil, District- Samastipur

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Samastipur Muffasil P.S. Case No. 514/2019 registered under Sections 30(a), 37(c) of the Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that petitioner is permanently residing at Kolkata in connection with Rickshaw pulling work, his house was locked and during investigation except suspicion nothing has come that petitioner is also involved in illegal trade and business of prohibited article. Learned counsel submits that one Ratnesh Kumar was found in drunken condition in the Varandah of the petitioner and four bottles of foreign liquor has been recovered from beneath



of wooden coat (Chauki). This petitioner has no concern with the said Ratnesh Kumar, however petitioner has no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner is permanently residing at Kolkata in connection with Rickshaw pulling work and in his absence at his Varandah which was opened one Ratnesh Kumar was found in drunken condition and it is alleged that the police thereafter recovered the four bottles of illicit liquor from there. The contention that the Varandah was opened and this petitioner has nothing to do with the said Ratnesh Kumar who is not a family member of this petitioner, there being no other material to connect this petitioner with the present case and the petitioner has got no criminal antecedent, let the above-named petitioner, in the event of his arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge – cum – Special Judge, Excise,



Samastipur, in connection with Samastipur Muffasil P.S. Case No. 514/2019, subject to 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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