

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7482 of 2020

Arising Out of PS. Case No.-649 Year-2019 Thana- MADHAURAH District- Saran

1. Nawal Kumar Singh @ Nawal Singh Son of Ramdhyan Singh Resident of Village-Rampur, Police Station-Marhowrah, District-Saran at Chapra.
2. Prince Kumar @ Prince Kumar Singh Son of Manbodhan Singh @ Potan Singh Resident of Village-Rampur, Police Station-Marhowrah, District-Saran at Chapra.
3. Praveen Singh @ Parwin Singh @ Praveen Kumar @ Arvind Kumar @ Parwin Kumar Son of Manbodhan Singh @ Potan Singh Resident of Village-Rampur, Police Station-Marhowrah, District-Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satya Prakash, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking anticipatory bail in connection with Marhowrah (Gaura O.P.) P.S. Case No. 649 of 2019 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioners are innocent and have falsely been implicated in this case. The petitioner has been implicated at the instance of local chowkidar mere on suspicion. Similarly situated co-accused Ashok Yadav @ Ashok Prasad Yadav, Chandan Yadav and Ankit Kumar Singh have been granted anticipatory bail by learned Co-ordinate Benches of this Court.



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 petitioners that though the petitioners are named in the F.I.R. at the instance of the local Chowkidar but their implication is on mere suspicion, they are neither owner of the truck nor driver of the said truck and similarly situated persons Ashok Yadav @ Ashok Prasad Yadav, Chandan Yadav and Ankit Kumar Singh have been granted anticipatory bail by learned Co-ordinate Benches of this Court, in the nature of the submissions, considering that so far as petitioner nos. 1 and 2 are concerned, they have no criminal antecedent, let the petitioner nos. 1 and 2 above named in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Saran at Chapra in connection with Marhowrah (Gaura O.P.) P.S. Case NO. 649 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.

So far as petitioner no. 3 is concerned, it appears that he has got criminal antecedent of two cases of serious nature against him, this Court is not inclined to grant petitioner no.3 privilege of anticipatory bail. Thus, his prayer for anticipatory bail is refused.

In case the petitioner no. 3 surrenders and prays for regular bail in the court below within a period of four weeks, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

vats/-

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